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1185  
P. 1185

PRIVATE LAWS

OF THE

State of North Carolina

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1901,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

Wednesday, the Ninth Day of January, A. D. 1901.

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OF THE

## PRIVATE LAWS,

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PRIVATE LAWS

OF THE

State of North Carolina.

Session 1091.

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PRIVATE LAWS  
OF THE  
STATE OF NORTH CAROLINA.

SESSION 1901.

CHAPTER 1.

AN ACT TO CHANGE THE NAME OF THE GUARDIAN SECURITY, TRUST AND DEPOSIT COMPANY, OF WILMINGTON, N. C., TO THE PEOPLES' SAVINGS BANK, WILMINGTON, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1 of chapter 155 of the Private Acts of 1895 be and the same is hereby amended by striking out the words "The Guardian Security, Trust and Deposit Company" wherever they occur in said section and substituting therefor the words "The Peoples' Savings Bank." Chapter 155, Private Acts 1895, amended.

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

In the General Assembly read three times, and ratified this the 12th day of January, A. D. 1901.

CHAPTER 2.

AN ACT TO AMEND CHAPTER TWO, PRIVATE LAWS OF 1899, RELATING TO THE STATE BANK OF COMMERCE AT HENDERSONVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two of the Acts of eighteen hundred and eighty-nine, entitled "An act to incorporate the State Bank of Commerce to be located at Hendersonville, North Carolina," be amended by inserting "fifteen" in place of "thirty" in line two, section two, of said act. Chapter 2, Acts 1899, amended

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

In the General Assembly read three times, and ratified this the 17th day of January, A. D. 1901.

## CHAPTER 3.

AN ACT TO AMEND CHAPTER 256 OF THE LAWS OF 1858-59, RATIFIED THE 16th DAY OF FEBRUARY, 1859, ENTITLED "AN ACT TO INCORPORATE THE HOWARD RELIEF FIRE ENGINE COMPANY IN THE TOWN OF WILMINGTON, N. C."

## Preamble.

WHEREAS, The Board of Aldermen of the city of Wilmington, N. C., has abolished the Volunteer Fire Department of said city, and in lieu of, and substitution therefor, has adopted a paid Fire Department; and,

WHEREAS, The Howard Relief Fire Engine Company desires to continue its organization for purely benevolent and charitable purposes, and provide for the relief of its members in sickness and distress; therefore,

*The General Assembly of North Carolina do enact:*

Chapter 256, Laws  
1858-59, amended.

SECTION 1. That section 1 of chapter 256 of the Laws of 1858-59 be and the same is hereby amended by striking out the words "Fire Engine" in the last line of said section, so that the name of said corporation shall be "Howard Relief Company," and by that name shall be able and capable, in law, to sue and be sued, plead and be impleaded in any Court in this State, and to adopt a constitution and all such by-laws, rules and regulations for its government, as are not inconsistent with the laws of this State or of the United States.

SEC. 2. That section 2 of said chapter 256 of the Laws of 1858-59 be and the same is hereby amended by striking out the word "ten" in the third line of said section and substituting in lieu thereof the words "twenty five."

Members not  
individually  
liable.

SEC. 3. That the members of said corporation shall not be individually liable for the debts of said corporation.

Purpose, benevo-  
lence and charity.

SEC. 4. That the purposes of said corporation being solely those of benevolence and charity, the property now owned, or to be hereafter acquired by said corporation shall be exempt from all State, county and municipal taxation.

Exempt from  
taxation.

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

In the General Assembly read three times, and ratified this the 18th day of January, A. D. 1901.

## CHAPTER 4

## AN ACT TO AMEND THE PRESENT CHARTER OF THE TOWN OF REIDSVILLE IN THE COUNTY OF ROCKINGHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five (5) of chapter fifty-eight (58) of the Private Laws of 1887, be and the same is hereby amended as follows, viz.: By striking out in said section all after the word "election" in line fifteen (15) of said section, down to and including the word "Provided" in line (3) three, from the end of said section.

Chapter 58, Private Laws 1887, amended.

SEC. 2. That section twelve (12) of the said act be and the same is hereby repealed, and the following substituted in lieu thereof, viz.: That the Mayor and other town officers shall receive, as their annual compensation, such salaries, or fees, or commissions, as the Town Commissioners may determine upon: *Provided*, that the Mayor's salary shall not exceed three hundred and fifty dollars per annum, and that of the Commissioners shall not exceed fifty dollars (\$50.00) each, per annum, and when the Mayor shall be paid a salary, all fees, fines and costs accruing by reason of his office shall be turned into the Town Treasury, and when the Collector shall be paid a commission, said commission shall not exceed five per cent (5 per cent) on collections.

Town officers.

Compensation.

SEC. 3. That section twenty-four (24) of said act be and the same is hereby amended by striking out in said section all after the word "Treasurer" in line six (6) of said section, down to and including the word "prescribe" in line nine (9) of said section, and insert after the word "Treasurer" the following: "Or other authorized person or persons," and by adding "that when the Town Commissioners shall determine to elect one officer to fill the position of Town Treasurer, Superintendent of Water and Lights, and Collector of taxes, and other revenues due the town, said moneys shall be placed in bank, and the said officer so elected shall be required to give bond, and his salary shall not exceed twelve hundred dollars per annum.

Town Treasurer, Superintendent of Water and Lights and Collector of Taxes.

Money, how kept. Bond.

SEC. 4. That section eight (8) of chapter thirty (30) of Private Laws of 1891 be and the same is hereby amended, by substituting the word "five" (5) for the word "seven" (7) in the second line of said section.

Section 8 of said chapter, amended.

SEC. 5. That section two (2) of chapter thirty-eight (38) of Private Laws of 1873-1874, and section two (2) of chapter fifty-

Corporate boundaries enlarged and defined.

eight (58) of Private Laws of 1887, be and the same are hereby repealed, and the following substituted therefor, viz.: That the corporate boundaries of the said town of Reidsville shall be as follows, to-wit: Beginning at a stone, the corner of old corporation, which said corner is located northward of R. H. Wray's residence, about one hundred and fifty yards; thence south 58 1-2 degrees east 1537 feet to a large chestnut tree on east side of Danville Road; thence south 13 3-4 degrees east 5480 feet to a stone at the intersection of Hubbard Street with Lawsonville Road; thence south 1 1-2 degrees east 1549 feet to a chestnut oak; thence the same course continued 163 feet to a stone, in all 1712 feet; thence south 78 1-4 degrees west 2065 feet to a large poplar tree on Anna Wither's (now Mrs. Robert Montgomery's) lot; thence same course continued in all 3666 feet to an iron stake in the east edge of Boyd Street, of the A. J. Boyd survey, in rear of Mrs. Belle Boyd's lot; thence south 5 1-4 degrees west along east side of Boyd Street, 1260 feet to a stone on northeast side of Mizpah Road; thence north 71 1-2 degrees west, crossing Mizpah Road, north end of race tract, and Monroeton Road, 1415 feet to a large poplar tree; thence north 2 degrees east 2328 feet to a stone near the northwest corner of Baptist parsonage lot; thence north 87 degrees west crossing Wentworth Road, and running through log house owned by A. E. Walters 2797 feet to a stone, 232 feet west of the center of said Wentworth Road; thence north 2 1-2 degrees east 2207 feet to the northwest corner of Lizzie Searcy's lot on the south side of the new Wentworth road; thence south 89 1-4 degrees east 619 feet to a stone on northeast side of said road in old corporation line; thence north 55 1-2 degrees east 1847 feet to a stone on the southwest side of the road; thence north 3 degrees east 3017 feet to a stone 6 feet east of a large red oak, on the north side of the Salem Church Road, and in front of William Meadoe's lot; thence north 56 degrees east 1,000 feet to an old corporation corner, back of A. L. Morris (now Mrs. Barber's) house; thence with old corporation line, east crossing the Leaksville Road, 1864 feet to the beginning corner stone.

Laws in conflict  
repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 18th day of January, A. D. 1901.

## CHAPTER 5.

AN ACT TO AUTHORIZE THE TOWN OF ROCKY MOUNT TO ISSUE BONDS FOR THE ESTABLISHMENT OF AN ELECTRIC LIGHT PLANT, A SEWERAGE SYSTEM AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the town of Rocky Mount is hereby authorized and empowered to issue, to an amount not exceeding forty thousand (\$40,000.00) dollars, bonds in the name of said town, in such denominations and in such form as said Board of Commissioners may determine, with which to establish, construct, purchase or otherwise secure and maintain a system of electric lights; also to construct, erect, equip and operate a system of sewerage for the use of said town and its inhabitants; and also to pay off and discharge the notes of said town, two in number, each in the sum of three thousand two hundred (\$3,200.00) dollars, and payable respectively to the Bank of Rocky Mount and the Planters' Bank, the same being for money borrowed to pay off and liquidate the debt incurred in constructing the water works system of said town; and also to extend the water works system of said town.

Rocky Mount authorized to issue \$10,000 in bonds to establish electric lights, sewerage and pay off town debts.

SEC. 2. That said bonds shall be made payable or redeemable at such place or places, and at such time or times, as may be determined on by said Board of Commissioners, not exceeding fifty (50) years from the date thereof.

When and where bonds payable.

SEC. 3. That said bonds shall bear interest at a rate not exceeding six (6 per cent) per annum from the date thereof, with interest coupons attached, payable semi-annually, at such place or places as may be deemed advisable by said Board of Commissioners.

Interest.

SEC. 4. That none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than those declared in section 1 of this act.

Minimum price for bonds, and use of proceeds.

SEC. 5. That said bonds shall not be issued until authorized by a majority of the qualified voters of said town of Rocky Mount, at an election to be held on a day to be designated by the Board of Commissioners of said town of Rocky Mount at any time after the ratification of this act, at which election those favoring the issuing of said bonds shall vote a written or printed ballot containing the words "For Issue of Bonds," and those opposing it a like ballot containing the words "Against Issue of Bonds," and

Majority of qualified voters must vote for and authorize bond issue.

Form of ballots.

Election, how advertised.	<p>it shall be the duty of said Board of Commissioners to give notice of the time, place and purpose of such election for thirty days prior thereto in some newspaper published in the town of Rocky Mount; that said election shall otherwise be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as elections are held in said town for the election of municipal officers.</p> <p>SEC. 6. That, if the powers hereby conferred and hereinbefore provided shall be exercised, and a majority of the qualified voters of said town shall vote "For Issue of Bonds," then said Board of Commissioners shall issue said bonds, and they shall be signed by the Mayor, attested by the Town Clerk, and sealed with the corporate seal of the town. And the signatures of the Mayor and Town Clerk may be printed or lithographed on the coupons attached to said bonds, and said bonds and their coupons shall become exempt from town taxation until they shall become due and tender of payment shall have been made; and the coupons shall be receivable in payment of town taxes.</p> <p>SEC. 7. That, for the purpose of providing for the payment of said coupons as the same shall become due, it shall be the duty of the Board of Commissioners of said town to levy, and cause to be collected, annually, as other municipal taxes are collected, a tax not exceeding twenty cents on the hundred dollars valuation of real and personal property, and not exceeding sixty cents on all taxable polls in said town, and, also, before the maturity of the principal of said bonds, and for a sufficient length of time prior thereto, it shall be the duty of the Board of Commissioners of said town to set apart such a portion of the aforesaid levy each year as may be necessary to pay off said principal at its maturity. And in the said levies, the constitutional equation between poll and property shall always be preserved, and which taxes so levied and collected shall be used for no other purpose, and shall be kept separate from all other taxes.</p> <p>SEC. 8. That the Board of Commissioners of said town shall have power and authority to establish, construct or purchase, and at all times to maintain, an electric light plant in or near said town, including all machinery and appliances necessary and appurtenant to the same; and they shall have full power to purchase and to hold such real estate and personal property, and to acquire all such rights and privileges, as may be deemed necessary to enable them to build, erect and maintain such electric light and power plant in such a manner as to secure the full benefit thereof to said town and its customers within or near said town. Said Board of Commissioners shall have full power and authority to purchase, erect, equip and operate a system of sew-</p>	
How held.		
Signature and attestation of bonds.		
Bonds and coupons exempt from town taxation. Coupons receivable for town taxes.		
Town Commissioners to levy tax.		
How collected.		
Amount of tax.		
To provide sinking fund.		
Special tax; how kept and used.		
Power conferred to establish and maintain electric lights and sewerage, and to acquire property; rights and privileges necessary therefor.		

erage, and to purchase and hold such real estate and personal property, and to acquire such rights and privileges, as may be required to enable them to erect, equip and operate a system of sewerage in such a manner as to secure the full benefit thereof to said town and its customers within or near said town. Said Board of Commissioners shall have full power and authority to enter, by its officers, agents or servants, upon the lands of others for the above purposes, and, if unable to agree for the purchase of said lands with the owners of the same, then said Board of Commissioners shall have full power and authority to condemn the same, whether it be situated within the corporate limits of said town, or not, in the manner now provided in the amended charter of said town by the laws of 1891, chapter 316, for the condemnation of land for streets and other purposes. And said Board of Commissioners shall have full power and authority to pay off and discharge the aforementioned notes, and to extend the aforementioned water works system.

Right of eminent domain conferred.

Power conferred to discharge notes and extend water-works system.

SEC. 9. That if, at the first election held under the provisions of this act, a majority of the qualified voters of said town shall not vote "For Issue of Bonds," then, and in that event, the Board of Commissioners of said town, at any time thereafter, not oftener than once in each twelve months as they may deem fit, and of their own motion may, or upon petition of one-fifth (1-5) of the qualified voters of said town shall again submit the same question to the qualified voters of said town, on the same notice and terms as is required for said first election; and, if a majority of the qualified voters of said town shall vote "For Issue of Bonds," then this act and all its provisions shall be and remain in force and effect, and shall have the same force and effect as if no previous election had been held.

On failure to vote for issue of bonds at first election, others provided for.

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

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1901.

#### CHAPTER 6.

### AN ACT TO AMEND THE CHARTER OF THE WHITNEY REDUCTION COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The charter of the Whitney Reduction Company, a <sup>Charter amended.</sup> corporation duly organized under the laws of this State, on the eleventh day of April, 1899, and now having its office and place

## 1901—CHAPTER 6.

of business near the town of Gold Hill, is hereby amended, as is hereinafter provided.

SEC. 2. In addition to the powers enumerated in its articles of incorporation, recorded in the office of the Secretary of State and in the office of the Clerk of the Superior Court of Rowan County, the Whitney Reduction Company is authorized:

(1) To construct, maintain and operate railroads, and street railways, to be run by steam, electricity, water power or otherwise, for the transportation of freight and passengers, and to charge, collect and receive reasonable tolls therefor.

(2) To purchase, own, maintain, construct and operate telegraph and telephone lines, and lines of wires, conduits, subways and other convenient appliances for the transmission of electricity and other forces, fluids, powers, energies and currents, and to charge, receive and collect reasonable tolls from the public for use of same.

(3) To build and maintain any dam or dams across the Yadkin River, or any of its tributaries, for the purpose of utilizing water power; and to build, maintain and operate bridges, power plants, mills, canals, aqueducts, water-ways, waste-ways, wells and reservoirs, needful for the plants, mills, factories, or other works or business, and to construct maintain and operate, above or under ground, wires, pipes, conduits, conductors, poles or rods for the purpose of transmitting water or electricity or other power to any city or town in the State.

(4) To purchase, acquire, lease, rent, own, hold, improve, mortgage and sell real and personal property, and all interests therein or incident thereto for any of the purposes of this act.

(5) To make, lease and sell light, heat, gas, electricity, power, goods and products of every kind and material.

(6) To have, hold, use, exercise and enjoy all powers, immunities, rights, franchises and privileges which may be conferred upon corporations by the laws of this State, whether herein specifically enumerated or not.

SEC. 3. The Whitney Reduction Company when unable to purchase by agreement, may enter upon and condemn private property required for its rights of way, depots and stations, and shall pay a reasonable price for the same, and in case a price can not be agreed upon the said corporation, or the owner of the property used or occupied, may file a petition before the Clerk of the Superior Court of the county where the land is situated, praying for the appointment of a jury to assess the damages accruing to such land owner, and upon ten days' notice to the opposite party, the said Clerk shall appoint a jury consisting of three impartial freeholders to assess such damages. The jury within

Additional powers conferred.

To construct and maintain railroads, etc.

To own and operate telegraph, telephone and power transmission lines.

To charge reasonable tolls for same.

To develop water power on Yadkin River or tributaries, and build plants, etc.

Other corporate powers.

Corporate powers.

Corporate powers.

Right of eminent domain.

Damages, how assessed.



fifteen days after their appointment, first being sworn by some person authorized to administer oaths to do justice between the parties, shall make such assessment and report the same to the Clerk. Said report shall remain open for ten days after being filed with the Clerk, and if no exceptions thereto be filed within the time limited the said report shall be confirmed and judgment rendered in accordance therewith. If exceptions are filed to said report, the Clerk shall pass upon the same, with the right to appeal by either party to the next term of the Superior Court. The procedure in all cases by petition, under this section, shall be the same in all respects as prescribed by law in other special proceedings, except as modified by this act. The said company shall not use the streets of any city or town, nor the public roads in any county without the consent of the proper municipal or county authorities. The condemnation proceedings herein authorized shall apply to railroads, street railways, telegraph, telephone, power and electrical lines which may be erected for use by the public and not to those constructed for the private use of said company apart from the public.

Exceptions, when filed.

No exceptions filed, report confirmed.

Appeal.

Procedure.

Streets or public roads not used without consent of authorities

Rights of eminent domain restricted.

SEC. 4. The capital stock of the said Company shall be one million of dollars, but the same may be increased from time to time to not exceeding ten millions of dollars, and the shares shall be fifty dollars each, or otherwise, as the Company may determine.

Capital stock.

May be increased.

SEC. 5. The stockholders and corporators of said Company, their associates, successors and assigns, shall not be individually liable or responsible for the debts, contracts, defaults, obligations or torts of the Company.

Stockholders not individually liable.

SEC. 6. The said Company may make, alter and repeal the by-laws of the Company, and all regulations for its control and management, not inconsistent with this act, nor with the Constitution and laws of the State.

By-laws, how made and altered.

SEC. 7. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1901.

#### CHAPTER 7.

### AN ACT TO INCORPORATE THE HERTFORD BANKING COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That M. H. White, T. G. Skinner, T. F. Winslow, G. Corporators.  
H. Newby, Thos. Nixon, Z. Toms, J. E. White, G. T. Hawkins,  
W. R. Shannonhouse, Sidney McMullan, J. D. Parker, L. W.  
Norman, their associates, successors and assigns are hereby cre-  
ated a corporation under the name of The Hertford Banking Corporate name.

Corporate powers.	Company, for the period of sixty years, with full power to sue and be sued in any Court of the State or the United States; to acquire, own and convey real and personal property, and to adopt and use a common seal, which may be altered when deemed expedient.
Capital stock.	SEC. 2. The capital stock of the corporation shall be fifteen
Share value.	thousand dollars, divided into shares of one hundred dollars
Capital stock increased.	each, which may be increased from time to time by the vote of two-thirds of said stock, to one hundred thousand dollars. The
When to commence business.	bank may commence business as soon as fifteen thousand dollars is subscribed and two-fifths thereof paid in.
Location of office.	SEC. 3. The principal office and banking house of the corporation shall be located in Hertford, North Carolina.
Board of Directors; number.	SEC. 4. The affairs of the bank shall be managed by a Board of Directors consisting of not less than five, nor more than nine, as the stockholders may decide, which Board shall be elected at
When elected.	the annual meeting of the stockholders, to be held on the third
Term of office.	Tuesday in each January, beginning with January, 1902, and hold their offices for one year and until their successors are elected and qualified. The Directors shall hold meetings as often as the by-laws of the company shall require, and a majority of them shall constitute a quorum for the transaction of
Quorum.	all business: <i>Provided, however,</i> that such meetings of said Directors shall be held at least once in every week.
Shall meet, how often.	
First meeting of directors.	SEC. 5. The Board of Directors shall meet as soon after their election as practicable and elect from among themselves a
Election of president and vice-president.	President and Vice-President of the bank, who shall hold their office until their successors are duly elected. The said Board
Term of office.	shall elect, also, not from among themselves, a cashier and such
Election of cashier and other officers.	other officers and employees as the Board may deem best, to hold
Term of office.	office during the pleasure of the Board. The President, Cashier, Teller, and all clerks shall be required by the Directors to give
Bonds of officers.	bond, as follows: The President and Cashier in a sum not less than ten thousand dollars each; the bonds of other officers to be fixed by the Directors.
Corporate powers.	SEC. 6. The said corporation shall have all powers, rights, privileges and immunities granted to any banking institution under the laws of North Carolina, especially by chapter 4, volume 2, of the Code of North Carolina, entitled " <i>Banks</i> "; shall also have power to receive and pay out money, to deal in mercantile paper, to receive deposits of money and other valuables; may discount, buy and sell notes, drafts, money and other valuables; may discount, buy and sell notes drafts and other securities and evidences of debt; may loan money upon mortgages of real estate or personal estate or other security, and charge for money loaned

by it such interest (rate) as may be agreed upon, not exceeding the rate allowed by law, which interest it may take and receive at the time of making such loan. Rate of interest

SEC. 7. That when married women, minors or apprentices shall deposit money, or other thing of value, in said bank generally or especially, to their own credit, the same may be withdrawn on their check, draft or other order, and they and all other persons shall be bound by such draft, check or order, and the same shall be an absolute release and discharge of said bank from liability for the same; and that any stock in bank subscribed for and paid for by a married woman or a minor, may be assigned by such married woman or minor in as full and valid manner as if they were sole or of full age, and title shall pass to the assignee or assignees thereof. Provisions relating to married women, minors or apprentices, who may be depositors or stockholders.

SEC. 8. When any real estate held by the said corporation at any time may be duly conveyed by a deed signed by the President and Cashier with its seal affixed to the same, the said corporation may buy any real or personal property sold by any one for it under deeds of trust or other assurance for debts due it when necessary for its protection, in its judgment. Real estate, how conveyed by corporation.  
Right to purchase property under deed of trust or assurance for debt.

SEC. 9. This corporation is authorized to organize, in connection with its general banking business department for savings, and do a savings bank business for the convenience of small depositors, and to make regulations in regard thereto, and in that event said bank may receive deposits in the savings department and give certificates therefor, and pay such interest as the Directors may authorize, not exceeding the legal rate. Right to conduct savings bank department.  
Deposits, rate of interest.

SEC. 10. In the event subscribers to the stock of this corporation shall fail to pay for their stock, or any part of it, hereafter or heretofore subscribed, the amount so due on said stock may be recovered by Directors, by civil action, or the Directors may sell such stock, at public biddings, at the banking house of the corporation, after giving thirty days' public notice of such sale and like notice to the holders of such stock, and the amount realized at such sale shall be applied to the payment of the costs of such sale, the amount remaining due and unpaid for such stock and entered on the same, and any balance to the owner of said stock; if the amount realized be not sufficient to pay the balance due, then such balance may be recovered by civil action of the subscriber for the same. Subscriber failing to pay for stock; amount, how recovered.  
Directors may sell stock.  
Notice.  
Proceeds, how disposed of.  
Balance due may be recovered.

SEC. 11. Subscriptions already made, or which may be made to the stock of the Hartford Banking Company, the election of Directors, officers and employees heretofore had, and other acts done, or which may be done, before the granting of this charter, for and in the name of said bank, not inconsistent with this charter, Subscriptions to and acts in name of said bank, prior to this charter and not inconsistent therewith, validated.

are hereby expressly ratified, confirmed and made valid and binding in all respects as if they had been done after the charter is granted.

Special deposits.

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 other things of value, which may be left on deposit with said company for safe keeping, and shall be entitled to charge such commission or compensation as may be agreed upon, and said bank is authorized and empowered to accept and exercise any trust of any and every description, which may by its consent, be committed or transferred to it by any person or persons whosoever, by any bodies politic or corporation, private or public, and to accept the office of executor, administrator, collector or assignee whenever such appointments [are] made or conferred by any person or persons or Court in the State or of the United States, and shall be clothed with the same powers, and shall be under the same restrictions as private individuals are in the same capacity.

Charge for safe-keeping.

May accept and exercise trusts.

May act as executor, etc.

Powers and restrictions.

Liability of stockholders.

SEC. 13. That the stockholders shall be liable to said bank for the amount subscribed by each stockholder, and in addition thereto each stockholder shall be individually liable to depositors or other creditors of said bank for an amount equal to the stock which he owns therein and no more.

Failure to hold meetings or do duties required, may be held or done subsequently.

SEC. 14. If for any cause any annual meeting or other meeting of the Directors shall not be held as provided herein, or being held, any duty required to be done at such meetings be not then done, such omitted meeting may be subsequently held and such duties subsequently performed.

Stock, how transferred.

SEC. 15. No stock held in this corporation shall be transferred except on the books of the corporation in person or by written power of attorney, and no stock shall be transferred at all by any one indebted in any way to said corporation, until said indebtedness is or has been fully paid, without the consent of a majority of the Directors in meeting expressed, and all stock shall be liable for all debts due by such stockholders to said bank, and shall be affected with a lien for such indebtedness.

No one indebted shall transfer stock, till indebtedness paid, without consent.

Officers.

SEC. 16. The following shall constitute the officers who for the first year shall manage the affairs of this bank: G. H. Newby, President; Wm. Mardre, Vice-President; Directors, Geo. E. Major, M. H. White, G. H. Newby, Z. Toms, Wm. Mardre, W. S. Blanchard and T. F. Winslow.

SEC. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1901.

## CHAPTER 8.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and sixty, Public Laws 1899, of North Carolina, be amended by striking out all of section 2 down to and including the word "guilty" in line four and inserting in lieu thereof: "That there shall be elected by the Board of Commissioners for the town of Concord at the first meeting in May after their election not exceeding five policemen, who shall each receive a salary of forty dollars per month, except the Chief of Police, who shall receive forty-five dollars per month. Out of the number above named the Mayor shall select the Chief of Police, who shall hold such position as Chief as long as in the opinion of the Mayor he shall be attentive to duty and shows himself competent to execute the duties of such position."

Chapter 460, Public Laws 1899, amended.

Policemen, when and how elected. Salary.

Chief of Police, how selected. Term of office.

SEC. 2. That section four, chapter one hundred and seventy, Private Laws 1895, be and the same is hereby repealed and the following substituted in lieu thereof: "That the Commissioners of said town shall pay the Mayor an annual salary of six hundred dollars."

Section 4, Chapter 170, Private Laws 1895, repealed.

Mayor's salary.

SEC. 3. That the Board of Commissioners for the town of Concord at their meeting in June, 1901, and every two years thereafter, may elect some suitable person to serve, for a period of two years and until his successor is elected, as City Engineer and Sanitary Inspector, whose duty it shall be to make any preliminary surveys required by the town for streets, pavements, or for sewerage, and to inspect and report upon the condition of water pipes, closets, sewerage, etc., in all houses, public or private, under the direction of the Mayor.

City Engineer, how elected and time of service.

Duties.

SEC. 4. That the said engineer before entering upon the duties of his office shall take an oath, to be administered by the Mayor, to perform faithfully the duties of his office to the best of his ability. That said engineer may, for neglect of duty, be suspended by the Mayor for a term not to exceed thirty days, and then if charges are preferred by the Mayor, the Board of Commissioners, upon hearing the evidence, may at their discretion dismiss said engineer from office.

Engineer to take an oath.

May be suspended and dismissed from office.

SEC. 5. That the salary of said engineer shall be fixed by the Board of Commissioners and shall not exceed the sum of one hundred and fifty dollars per annum, but this amount shall not prevent the Mayor upon approval of the Board of Commissioners

Salary of Engineer.

Additional compensation. of said town from entering into a written contract with the said engineer for any reasonable additional compensation for superintending and constructing any lines of piping, whether for sewerage or for other purposes, or for any other work which the Mayor and the Board of Commissioners may deem proper.

Conflicting laws repealed. SEC. 6. That all laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 21st day of January, A. D. 1901.

#### CHAPTER 9.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD.

*The General Assembly of North Carolina do enact:*

Chapter 329, Laws 1850-51, amended.

SECTION 1. That chapter three hundred and twenty-nine (329) of the Laws of eighteen hundred and fifty, and eighteen hundred and fifty-one (1850-51), entitled "An act to incorporate the town of Concord, in the county of Cabarrus," and acts amendatory thereof, be and the same is hereby amended by adding thereto the following:

Board of Water Commissioners appointed.

SEC. 2. That M. H. Caldwell and M. L. Brown, W. R. Odell and J. W. Cannon be and they are hereby constituted the Board of Water Commissioners for the town of Concord, of which board the Mayor of the town of Concord shall be *ex officio* chairman.

Mayor, ex-officio chairman.

Vote only in case of tie.

That at all meetings of the said board the Mayor shall preside, but shall vote only in case of a tie.

Term of office.

SEC. 3. That the two Commissioners first named above shall hold office until the first Monday in June, nineteen hundred and three, or until their successors are appointed and qualified, and the two Commissioners last named shall hold their office until the first Monday in June, nineteen hundred and two or until their successors are appointed and qualified.

How and when elected.

SEC. 4. That the Commissioners for the town of Concord at their first meeting in June, nineteen hundred and two, shall elect two Commissioners to succeed the last two named above, and at their first meeting in June, nineteen hundred and three, said Commissioners for the town of Concord, shall elect two Commissioners to succeed the first two above mentioned, and said Commissioners so elected shall hold office for two years, from the date of their election, and until their successors are appointed

and qualified. That thereafter the Commissioners for the town of Concord shall, at their first meeting in June of any year that the term of office of any Commissioner shall expire under this act, elect their successors, and said persons so elected shall hold office for two years from the date of their election, and until their successors are appointed and qualified.

SEC. 5. That the Commissioners appointed by this act, and their successors in office, shall take an oath to faithfully discharge the duties of the said office to be administered by the Mayor of the town of Concord. That on or before the first day of June nineteen hundred and one the Commissioners herein appointed shall assemble and organize, and the Mayor of the town of Concord shall be *ex officio* chairman of the board; and when so organized they shall be known as "The Board of Water Commissioners for the Town of Concord," and shall be a corporation under the corporate name of the Board of Water Commissioners for the town of Concord, and as such corporation they shall have power to sue and be sued, to hold real estate and enjoy the usual privileges of a corporation.

To take oath.

Organization.

Created a body corporate.

SEC. 6. That a majority of said board shall constitute a quorum for the transaction of business, and all contracts and engagements, acts and doings of said board within the scope of their duty or authority shall be obligatory upon and be in law considered as if done by the Commissioners for the town of Concord; and said board shall, for and in the name of the Commissioners for the town of Concord, take and hold the land, real estate, rights, franchises and property of every kind now owned by the Commissioners for the town of Concord or that may hereafter be purchased or acquired in any way whatsoever, for the purpose of operating and maintaining a system of water-works for the said town; and they shall have power to acquire such additional property and make such additional improvements thereon as may be necessary to supply the town of Concord with a sufficient supply of good and wholesome water; and to erect and equip, if the Commissioners for said town shall so direct, a new plant or system of water-works for said purpose.

Quorum.

Force and effects of acts and doings.

Shall hold all property necessary for water-works.

May acquire additional property and make improvements.

SEC. 7. That in case it becomes necessary to purchase additional lands or water rights necessary to the operation of said system of water-works or any new system of water-works directed by the Commissioners for the town of Concord to be erected, and should there be a disagreement between the owner or owners of any such lands or water rights, and the board as to the price to be paid therefor, or as damages done thereto, it shall be lawful for either party to apply to the Clerk of the Superior Court of Cabarrus County, who shall thereupon appoint

Right of eminent domain granted.



Damages, how assessed.	three disinterested persons to examine said property and assess the value thereof or the damage done to the same, who, after taking an oath before said Clerk to administer the same impartially, shall proceed to assess the same and make return of their actions and doings to the said Clerk of the Superior Court, who shall enter the same upon the minutes of the Court and enter judgment according to the said report: <i>Provided</i> , that in case either party is dissatisfied with said award, he or they may appeal to the Superior Court of said county at term time, and have said case tried as is provided for cases of appeal from the Clerk to the Court in term time: <i>Provided also</i> , that either party desiring to appeal from the judgment of the Clerk shall give the opposite party notice within ten days after the rendition of the said judgment. That this act shall not be construed to allow said board to take said land until the damages awarded are paid.
Appeal.	
Notice of appeal.	
Land not taken till damages paid.	
Right granted to use any road, railroad, highway, etc.	SEC. 8. That the said Board of Water Commissioners and all persons acting under their authority, shall have the right to use the ground or soil of any road, railroad, highway, lane or alley for the purpose of enlarging or improving the plant or system of water-works owned by the town of Concord or any new system erected by said town, upon condition that they shall not permanently injure any such property; that the same shall be restored to its original condition or damages done thereto shall be repaired by the said board.
Conditions.	
Powers of commissioners.	SEC. 9. That said board shall regulate the distribution and use of water for all places and for all purposes where the same may be required, and from time to time shall fix the price for the use thereof and the time of payment; that they shall erect such a number of public hydrants for watering stock, sprinkling streets and other purposes, and in such places as they shall see fit, and shall direct in what manner and for what purposes the same shall be used: <i>Provided, however</i> , that all hydrants or appliances required and furnished for the purpose of extinguishing fires shall be erected as directed by the Commissioners for the town of Concord, and shall be under their exclusive control and direction.
Appliances for extinguishing fires controlled by Town Commissioners.	
Water rent, when paid.	SEC. 10. That the said board shall have full power and authority to require the payment in advance for the use or rent of the water furnished by them in or upon any building, place or premises; and in case prompt payment shall not be made, they may shut off the water from such building, place or premises after five days notice, and shall not be compelled again to supply said premises, building or place with water until the arrears, with interest thereon, shall be full paid.
Powers of commissioners upon failure to pay.	



- SEC. 11. That the said board shall make no contracts for the price of using the water for a longer time than three years. Time limit for contracts.
- SEC. 12. That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said water-works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe or other property used or acquired for procuring or distributing the water, said persons shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars and shall be imprisoned not exceeding one year, at the discretion of the Court. Persons tampering with or polluting water supply, or injuring plant, guilty of misdemeanor.  
Penalty.
- SEC. 13. That all land and property of every kind held by the said Board of Water Commissioners for the purposes aforesaid shall be exempt from taxes and assessments. Property exempt from taxes.
- SEC. 14. And said board shall have power to make rules and regulations with respect to the introduction of water into or upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper, and the members of said board, and all engineers, superintendents or inspectors in their service are hereby authorized and empowered to enter, after demand made and refusal, at all reasonable hours any dwellings or other place where such water is taken and used, where unnecessary waste thereof is known or suspected, and examine and enquire into the cause thereof; and if any person refuses to permit such examination, or opposes or obstructs such office in the performance of such duty, he, she or they so offending, shall forfeit and pay the sum of ten dollars, to be recovered before any Justice of the Peace in an action by the said board, and the supply of water may also be cut off until the required examination is made and the required alteration and repairs are made. Powers of commissioners to regulate use of water.  
To enter dwellings and premises when necessary.  
Penalty for refusal to permit entry or examination.
- SEC. 15. That the said Board of Water Commissioners shall cause to be collected all rents, forfeitures or emoluments arising from the operation of said system of water-works of the town of Concord. They shall cause accurate accounts to be kept of all receipts and expenditures of money coming into their hands, and shall, at least once in each year, make a detailed report thereof to the Commissioners for the town of Concord. They shall pay, or cause to be paid, such moneys as shall come into their hands to the Treasurer of the Board of Water Commissioners, which money shall be disbursed by the Treasurer of the board only upon the warrant of said Board of Water Commissioners. Moneys collected.  
Accounts kept.  
Must report to Town Commissioners.  
Moneys, how kept and disbursed.
- SEC. 16. That the said Board of Water Commissioners at their first meeting in July, nineteen hundred and one, and at their

Clerk and Treasurer, how elected

Term of office.	first meeting in July every two years thereafter, shall elect a Clerk and Treasurer to said board, who shall hold office for two years from the date of his election and until his successor is elected and qualified, subject, however, to be removed at any time by them for misbehavior or neglect of duty, upon complaint being filed by the Mayor of the town or by any member of the Board of Water Commissioners. That said Clerk and Treasurer,
Removal.	before assuming the duties of his office shall take an oath to be administered by the Mayor of said town to discharge faithfully
Shall take oath.	the duties of said office and shall give bond with sureties approved by the Board of Water Commissioners, in the penal sum
Shall give bond.	of ten thousand dollars, payable to the Board of Water Commissioners for the town of Concord and their successors in office,
Penalty of bond.	conditioned that he shall keep accurate minutes of the proceedings of all meetings of said Commissioners and safely keep all books, papers and articles committed to his custody during his continuance in office, and their delivery to his successor, and the faithful performance of all other duties imposed upon him by said Commissioners; that he shall collect all water rents, dues and demands which may be payable by any person or corporation on account of water supply, or in any way due said Water Commissioners under this or any other act; that he shall faithfully keep all moneys which shall come into his hands by virtue and color of said office and disburse the same only upon the warrant of said Board of said Water Commissioners; that he shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose; that he will submit said account to said Commissioners whenever required to do so; that he shall pay his successor, on demand by him, all moneys held by him by virtue of his office. That said Clerk and Treasurer shall, for his services, receive a salary not exceeding the sum of five hundred dollars per year, which salary shall be fixed by the Board of Water Commissioners at the meeting at which said Clerk and Treasurer is elected.
Salary.	
Disposition of moneys received.	SEC. 17. That the Board of Water Commissioners shall, out of any money received by them, pay, first, the costs and expenses of operating the plant or system of water-works under their control, including costs of such improvements as they may deem necessary for the efficient working of the same, and the net balance, if any, they shall pay over to the Treasurer of the town of Concord, on or before the first day of June of each year.
Compensation of commissioners.	SEC. 18. That the members of said Board of Water Commissioners shall receive such compensation as shall be fixed by the Commissioners for the town of Concord and shall not exceed

the sum of one hundred dollars each per annum. That the amount of said compensation shall be fixed at the time of their entrance into office and shall not be changed during their said term. When fixed or changed.

SEC. 19. That all laws and parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of January, A. D. 1901.

#### CHAPTER 10.

### AN ACT FOR THE RELIEF OF JOSEPH A. ROBINSON, OF GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Joseph A. Robinson, of Granville County, be and he is hereby exempted from the operation of section 25, chapter 2, of the Laws of 1899, so that he may peddle and sell the medicines and remedies of his own manufacture in this State, on account of his physical infirmities. Joseph A. Robinson allowed to peddle and sell medicines of his own manufacture tax free.

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 23d day of January, A. D. 1901.

#### CHAPTER 11.

### AN ACT FOR THE RELIEF OF J. B. CARRINGER, TAX COLLECTOR FOR THE TOWN OF BRYSON CITY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. B. Carringer, Tax Collector of the town of Bryson City, North Carolina, is hereby authorized and empowered to collect all arrears of taxes due from all persons resident and owning property in the town of Bryson City, North Carolina, as are levied for the year 1899, under the rules and regulations as, or may be, provided for the collection of taxes in said town of Bryson City. J. B. Carringer, Tax Collector of Bryson City, empowered to collect back taxes.

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 23d day of January, A. D. 1901.

## CHAPTER 12.

AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE  
"JAMES WALKER MEMORIAL HOSPITAL OF THE CITY  
OF WILMINGTON, N. C."

## Preamble.

WHEREAS, Through the munificent liberality of Mr. James Walker, of the city of Wilmington, N. C., and the county of New Hanover, the said city and county have been provided with a substantial modern hospital for the maintenance and medical care of sick and infirm poor persons who may from time to time become chargeable to the charity of the said city and county, and for other persons who may be admitted; and,

WHEREAS, It is desirable that the management of said hospital should be removed as far as possible from the vicissitudes which generally result when such an institution is left entirely in the control of local municipal authorities subject to changing political conditions and its efficiency in some degree thereby crippled; and,

## Preamble.

WHEREAS, It is also desirable that suitable provision should also be made for the permanent maintenance of the hospital by said city and county; therefore,

*The General Assembly of North Carolina do enact:*

Control of  
hospital.Managers created  
a body politic.

## Corporate name.

## Corporate powers.

Board, how  
selected.

## Restriction.

SECTION 1. That said hospital and the dispensary connected therewith shall be under the general supervision and control of a board of nine managers, who are hereby created a body politic and corporate for the term of thirty years, under the name and style of the "Board of Managers of the James Walker Memorial Hospital of the city of Wilmington, N. C.," and by that name shall have succession and a common seal, sue and be sued, plead and be impleaded, and have all the rights and privileges conferred upon such corporations. The said Board of Managers shall be composed of three members to be elected by the Board of Commissioners of New Hanover County, two members to be elected by the Board of Aldermen of the city of Wilmington, N. C., and four members to be selected by Mr. James Walker. The members of the said Board of Managers who are to be elected by the Board of County Commissioners, and the Board of Aldermen shall be elected at the first regular monthly meeting of the respective bodies held in the month of March, one thousand nine hundred and one, and no one of said members shall be from either the Board of Aldermen or the Board of County Commissioners. The members so elected, together with the four members to be selected by Mr. James Walker, shall enter

upon the discharge of their duties as soon as the hospital now in course of erection shall have been completed and turned over to the Board of Aldermen of the city of Wilmington and the Board of Commissioners of the county of New Hanover, and formally accepted by them, and shall then succeed to all powers and duties of "The Board of Managers of the City Hospital of Wilmington."

When to enter upon discharge of duties.

Powers.

SEC. 2. The Board of Managers shall hold their first meeting on the day following their election. At this meeting they shall decide by lot the term of office of each member as follows: Three members shall be selected by lot whose term of office shall be two years; three members shall be selected by lot whose term of office shall be four years; and three members shall be selected whose term of office shall be six years. At all subsequent elections the term of office shall be six years. Should any vacancy occur in the board, either by death or resignation, the remaining members shall fill the vacancy, and the term of office of the person elected shall expire at the time the original member's would have expired. Should any member of the Board of Managers fail to attend a meeting of the board for a period of six months, the board may declare his membership void, and proceed to fill his position by the election of a successor for his unexpired term. At the expiration of the term of office of members, the remaining members of the board shall elect their successors.

When to hold first meeting. Term of office of each, how decided.

Term of office.

Vacancy, how filled.

Failure to attend meetings, board may declare membership void and elect successor.

How successors elected when members' term expire.

SEC. 3. That for the purpose of providing the proper means for sustaining the said hospital, and for the maintenance and medical care of all such sick and infirm poor persons as may from time to time be placed therein by the authority of the said Board of Managers, the Board of Commissioners of New Hanover County shall annually provide and set apart the sum of four thousand eight hundred dollars, and the Board of Aldermen of the city of Wilmington shall annually provide and set apart the sum of three thousand two hundred dollars, which said fund shall be placed in the hands of the said Board of Managers, to be paid out and disbursed, under their direction, according to such rules, regulations and orders as they may from time to time adopt.

Means of sustenance of hospital, and maintenance and medical care of indigent sick and infirm provided.

City and county appropriations controlled and disbursed by Board of Managers.

SEC. 4. Should any portion of the annual appropriation by the county of New Hanover and city of Wilmington remain unexpended on the first day of March of each year, it shall be the duty of the Board of Managers to invest such unexpended balance in bonds of the city of Wilmington, or county of New Hanover, or State of North Carolina, and such investment shall be known as a permanent fund. The bonds so purchased shall be registered in the name of the "Board of Managers of the

Unused portion of appropriations to be invested in city, county or State bonds.

Permanent fund.

Bonds, how registered.	James Walker Memorial Hospital of the city of Wilmington.
Income, how used.	N. C." The income from said permanent fund may be used for the maintenance of the hospital, but no part of the fund itself
When fund itself used.	shall be used except in case of additional emergency, or for some permanent improvement or addition to the hospital. No part of said fund shall be used as above provided, except by approval of two-thirds of the entire membership of the Board of Managers,
Transfer of bonds, how and when made.	and any transfer of the bonds, in which said fund is invested, shall be made by the president and secretary of the board, only after such approval by two-thirds of the entire membership of the Board of Managers
When and where board to meet and organize.	SEC. 5. That the said Board of Managers shall, as soon after their election as may be practicable and advisable, convene in the office of the County Commissioners of said county, in the city of Wilmington, on a day to be named by the chairman of the Board of County Commissioners if no day has been selected at the first meeting of the Board of Managers, and shall then
Plan of organization.	and there proceed to organize by the election of a president and such other officers as they may see fit for the purpose of carrying
By-laws.	out the provisions of this act, and shall adopt such by-laws and regulations for their own government and for the control and management of said hospital and dispensary as they may deem right and proper. A majority of said Board of Managers shall
Quorum and powers.	constitute a quorum, with power to fix their times of assembling, to adopt, alter, amend or repeal their by-laws, rules and regulations, and to do whatever, by law, the said Board of Managers have authority to do.
Board of Managers to report.	SEC. 6. That the said Board of Managers shall on the first Monday in January in each and every years make two separate reports, one to the Board of County Commissioners and the other to the Board of Aldermen, which said reports shall contain a full, true and accurate account of the conduct and management of said hospital and dispensary, giving an itemized account of their receipts and disbursements, together with the number, sex, race, age and disease of all occupants of said hospital for the preceding year.
Contents of report.	
Conflicting laws repealed.	SEC. 7. That so much of chapter 23 of the Laws of 1881, and all other laws as may conflict with this act are hereby repealed.
	SEC. 8. That this act shall be in force from and after the first day of March, one thousand nine hundred and one.
	In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1901.

## CHAPTER 13.

## AN ACT TO INCORPORATE THE "UNITED SONS AND DAUGHTERS OF SALEM."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Rachael Sneed, Charlotte Dixie, Rev. W. H. Bishop, James D. Dey, Jerre Simmons, C. H. Shepard, and John A. Holt and their associates, be and they are hereby created a body politic and corporate under the name and style of the "United Sons and Daughters of Salem," and as such shall be capable of suing and being sued, and shall have all the powers and privileges belonging to corporations under the laws of North Carolina.

Corporators.

Corporate name.

Corporate powers.

SEC. 2. That the object and purposes of the corporation shall be the relief of the widow and orphan, of the poor and destitute, of the sick and of those injured by accident, and the burial of the dead, and to this end the corporation may issue certificates to the members agreeing to pay at their death, or in the event of their injury by accident sums of money to the beneficiaries named therein; may provide for the payment of sick benefits, and may adopt such by-laws, rules and regulations fixing the assessments, dues and premiums to be paid by its members, the manner of electing directors, the number necessary to make a quorum of the members of the corporation and of the directors, as are not contrary to law.

Corporate object and purpose.

May adopt by-laws, rules and regulations for government.

SEC. 3. That the principal lodge or office of said corporation shall be in the city of Wilmington, but the Board of Directors may establish lodges anywhere in the State; and the said corporation, its lodges and property shall be exempt from taxation and from the rules governing insurance companies so long as they are used solely for benevolent and charitable purposes and no longer.

Location of lodges or offices.

Exempt from taxation and insurance rules, how long.

SEC. 4. That the corporation may receive donations from any source by gift, deed, grant, or devise for the promotion of its purposes and objects; and may acquire title to and hold land and other property for the purpose of establishing a home or homes for the aged and infirm and for burying the dead, and may dispose of the same at will.

Corporate privileges and powers.

SEC. 5. That the corporation may employ any lawful means for raising funds to accomplish the purposes herein set out.

SEC. 6. That the principal officers shall be a Grand President, Grand Vice-President, Grand Chaplain, Grand Orator, Grand Marshal, Grand Doorkeeper, and Grand Secretary and Treasurer, who shall be elected as shall be prescribed by the by-laws of

Principal officers.

How elected.

Names of officers. said corporation; and until an election shall be held, the following shall serve in their respective capacities: Rachael Sneed, Grand President; Charlotte Dixie, Grand Vice-President; W. H. Bishop, Grand Chaplain; James D. Dey, Grand Orator; Jerre Simmons, Grand Marshal; C. H. Shepard, Grand Doorkeeper, and John A. Holt, Grand Secretary and Treasurer.

By-laws, how adopted. SEC. 7. That the by-laws for the government of the corporation shall be adopted by a majority of its enrolled members, and the by-laws thus adopted shall be the by-laws of all subordinate or branch lodges; and no member of said corporation shall be individually liable for its debts.

Corporation power over funds. SEC. 8. That the said corporation shall have power to collect, hold and disburse its funds for promoting the purposes herein designated, under such regulations as it may deem necessary to adopt.

Must be non-political. SEC. 9. That neither the corporation nor any of the branch lodges thereof shall be used for the promotion of politics or the discussion of political questions, and such use shall operate as an immediate forfeiture of its charter.

Conflicting laws repealed. SEC. 10. That all laws in conflict herewith are hereby repealed in so far as they are repugnant to the provisions of this act and no further.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of January, A. D. 1901.

#### CHAPTER 14.

### AN ACT TO AUTHORIZE THE COMMISSIONERS FOR THE TOWN OF CONCORD TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

Commissioners of Concord authorized to hold election on question of issuing \$125,000 in bonds, etc. SECTION 1. That the Commissioners for the town of Concord are hereby authorized and empowered to cause an election to be held at the various polling places in said town at such times as said Commissioners may appoint as provided in section 8 of this act, and to submit to the qualified voters of said town the question of issuing bonds to the amount of one hundred and twenty-five thousand (\$125,000) dollars for the purposes herein-

after specified in this act, and levying and collecting annually a special tax for the payment of the interest thereon, and to create a sinking fund, as hereinafter provided, for the payment of the principal of said bonds. That said election shall be advertised by said Commissioners for thirty days prior to the day of election in some newspaper published in said town, and

Election, how advertised.



held by inspectors and judges under the same rules and regulations, prescribed for elections to be held in said town by section 2, chapter 46, Private Laws 1889, of North Carolina, and for such purpose said section down to and including the word "inspection" in line 38 shall be and is hereby deemed to be incorporated in this section of this act; but for the purpose of said election herein provided for, said Commissioners shall order a new registration of the qualified voters of said town. Those who are in favor of issuing said bonds and levying and collecting said taxes shall vote a written or printed ticket with the words "For Bonds" thereon, and those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon. The result of said election shall be ascertained by the inspectors and judges of said election of the respective wards and certified and returned by them to said Commissioners within two days from the day of election, who shall, at a meeting held for that purpose, verify and also certify said result and cause the same to be recorded in their minutes.	How held.
Sec. 2. That the proceeds arising from the sale of said bonds shall be applied to the following purposes, viz.: First, to the payment of all the present debts of said town except as are evidenced by bonds heretofore issued; second, to the purchase of the present system of water-works or plant in said town, under such contract as said Commissioners have made or may make with the Concord Water-Works Company, not exceeding the sum of nine thousand (\$9,000) dollars; third, to improving said plant or water-works, or to the erection and equipment of a new plant or system of water-works and to the erection and equipment of a sewerage system; fourth, the balance, if any, to improving the sidewalks in said town. And for improving said plant or water-works, said Commissioners may from time to time credit to the account of the Board of Water Commissioners for the town of Concord, created by an act ratified at this session of the General Assembly, such funds as said Commissioners for the town of Concord may deem necessary, which funds said Board of Water Commissioners is empowered and authorized to disburse for said purpose.	New registration ordered.
	Form and description of ballots.
	Result of election, how ascertained and certified.
	How verified.
	Proceeds arising from sale of bonds, how applied.
Sec. 3. If a majority of the qualified voters of said town shall vote "For Bonds" at either of the elections provided for in section 8 of this act, then said Commissioners shall issue coupon bonds to the amount of one hundred and twenty-five thousand (\$125,000) dollars, and in denominations not less than one thousand dollars, bearing interest from date of the bonds at a rate not exceeding five per centum per annum, and payable semi-annually at the Concord National Bank or the Cabarrus Savings	If bonds voted, commissioners to issue.
	Denomination of bonds.
	Rate of interest, where and when payable.

	Bank, in said town, at the option of the holder of the bond, on the first days of January and July of each year until said bonds
Bonds, when due.	are paid. That said bonds shall be made payable and become due at the expiration of forty years from the date thereof. The
Shall be numbered.	bonds and their coupons shall be numbered and the bonds shall
How signed and attested.	be signed by the Mayor of said town, countersigned by the Clerk to said Commissioners and sealed with the corporate seal of said
Record to be kept.	town, and a record shall be kept of all bonds. The coupons shall
Coupons receivable for taxes, etc.	be received in payment of all taxes and debts due or which may
Exception.	become due said town, except such taxes as are levied for the
Can not be sold for less than par value.	graded schools of said town; that said bonds shall in no case be
Exempt from town taxation.	sold, hypothecated or otherwise disposed of for less than their
Purchaser not responsible for application of funds.	par value, and they and their coupons shall be exempt from
Commissioners authorized to levy tax to pay interest.	taxation by said town. The purchaser or purchasers of said bonds shall not be required to see that the purchase-money is applied to the purposes prescribed in this act.
	SEC. 4. In order to pay the interest on said bonds the Commissioners for said town are hereby authorized, and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of the town of Concord and acts amendatory thereto, which shall be returned or listed for general taxation in said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds; said taxes shall be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the Town Tax Collector to the Treasurer of said town, which
Subjects of taxation.	officers shall give justified bonds in amount amply sufficient to cover said taxes, the former officer for collecting and paying over, and the latter for the safe keeping and proper disbursement of said funds. It shall be the duty of said Town Treasurer to cancel all coupons at the time they are paid off and taken up by him, and to keep a record of the same.
Constitutional equation to be observed.	
Taxes, how collected.	SEC. 5. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of said Commissioners, at and after the expiration of thirty years from the date of said bonds, to annually levy and collect a special tax, in addition to that mentioned in section four of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act and whenever the amount of taxes collected under this section, together with interest accumulated from the investment thereof as provided in section 7 of this act, shall be sufficient to
Paid over to treasurer.	
Treasurer and collector to give ample bond.	
Treasurer to cancel coupons when paid, and keep account of them.	
Sinking fund provided for.	
Amount of tax for sinking fund.	

pay off the principal of all outstanding bonds, then said Commissioners shall cease to levy taxes for said sinking fund.	When tax levy shall cease.
SEC. 6. That the taxes levied and collected for the purposes specified in sections four and five of this act shall be kept separate and distinct from each other and from any and all other taxes, and shall be used only for the purposes for which they were levied and collected, and any Mayor or Commissioner who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: <i>Provided</i> , that if the taxes levied and collected for the payment of interest, shall in any year exceed the sum required for that purpose the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and said Commissioners, at the time of levying taxes for payment of interest for said next succeeding year shall take into consideration said excess and to compute and levy said taxes accordingly.	Taxes levied for different purposes to be kept separate.  Used only for purpose for which levied.  Misdemeanor to appropriate for different purpose.  Excess, how applied.
SEC. 7. That it shall be the duty of said Commissioners to annually invest any and all money arising from the special tax collected under section five of this act in the purchase of any of said bonds at a price deemed advantageous to said town by said Commissioners, but in case said bonds can not be purchased as herein provided for, the said Commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the repayment thereof and for the payment of the interest thereon, mortgages or deeds in trust in the name of the Mayor, on sufficient real estate, or bonds issued under this act may be taken as collateral security for such loan. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Commissioners for the town of Concord, and shall bear interest payable annually at a rate not less than six per centum per annum; and in case the Commissioners for said town shall not be able to invest any or all said money annually as directed above, they may and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank or banks, trust or safe deposit company or companies, of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments as above directed, shall be reinvested in the manner as above provided. Any Mayor or Commissioner of said town who shall	Special tax collected under Section 5, how applied and disposed of.  When loaned, time limit and security.  Notes, etc., to whom executed.  Interest.  Money not invested as above stated, how disposed of.  Officer personally interested in any loan, guilty of misdemeanor.

be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Election to be ordered within six months.

On failure to vote bonds, subsequent elections provided for.

SEC. 8. That the election provided for in section one of this act shall be called by said Commissioners for the town of Concord within six months after the ratification of this act, and if a majority of the qualified voters of said town shall not vote in favor of issuing said bonds and levying said special taxes at said first election, then said Commissioners may within six months thereafter order another election to be held as provided by this act, and if at said election a majority of the qualified voters of said town shall not vote in favor of issuing said bonds and levying said special taxes, then a third and final election under this act shall be ordered within six months after said second election by said Commissioners.

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

In the General Assembly read three times, and ratified this the 25th day of January, A. D. 1901.

#### CHAPTER 15.

#### AN ACT FOR THE RELIEF OF P. K. KIDDER.

*The General Assembly of North Carolina do enact:*

P. K. Kidder allowed to peddle without license.

SECTION 1. That P. K. Kidder, an aged and infirm Confederate veteran of Wilson County, be and he is hereby authorized to peddle goods, wares, drugs and notions in the State, without obtaining the peddler's license required by law in such cases.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

#### CHAPTER 16.

#### AN ACT TO CHANGE THE NAME OF THE RALEIGH REAL ESTATE, TRUST AND INSURANCE COMPANY.

*The General Assembly of North Carolina do enact:*

Name of Raleigh Real Estate, Trust and Insurance Company changed.

SECTION 1. That the name of "The Raleigh Real Estate, Trust and Insurance Company" is hereby changed to "Raleigh Real Estate and Trust Company."

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

## CHAPTER 17.

## AN ACT TO CORRECT STATE GRANT NO. 736 OF MACON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That State Grant No. 736 for the county of Macon, State Grant No. 736 for Macon County, corrected. issued to Phillip Guyer, on the 27th day of December, 1847, be and the same is hereby corrected as follows: The fifth call of said grant shall read as follows: "Thence west sixty (60) poles to the northeast corner of No. 2, thence south with No. 2 forty (40) poles to a stake, thence east to the beginning."

*Provided*, that nothing in this act shall operate to remove the Statute of limitations not affected. bar of the statute of limitation to actions affecting said grant, or to prejudice the rights of any claimant under a junior grant duly Vested rights protected. recorded, or to disturb any vested right that may have accrued prior to the ratification of this act.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 18.

## AN ACT AUTHORIZING THE GOLDSBORO LUMBER COMPANY TO INCREASE ITS CAPITAL STOCK FROM ONE HUNDRED THOUSAND (\$100,000) DOLLARS TO THREE HUNDRED THOUSAND (\$300,000) DOLLARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 169 of the Private Laws of 1889, entitled "An act to incorporate the Goldsboro Company," be and the same is hereby amended as follows: By striking out the word "one" in line three, section three of said act, and inserting in lieu of the same the word "three." Section 3 amended by striking out word "one" and inserting "three."

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

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

## CHAPTER 19.

AN ACT TO CORRECT LINE IN GRANT NO. 8971 IN  
TRANSYLVANIA COUNTY.*The General Assembly of North Carolina do enact:*

State Grant No.  
8971 to J. C.  
McGaha,  
changed.

SECTION 1. That the degree of the third in State Grant No. 8971, in Transylvania County to J. C. McGaha be and the same is hereby changed, so as to read N. 12 degrees west.

Vested rights not  
to be disturbed.

SEC. 2. That this act shall not be construed to disturb any rights that may have vested since the issuance of this said grant.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 20.

AN ACT TO INCORPORATE THE "SURRY COUNTY LOAN  
AND TRUST COMPANY."*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. M. Fulton, Jas. R. Green, Jesse H. Prather, J. D. Smith, A. G. Trotter, Geo. O. Fawcett, and their associates, successors and assigns are hereby constituted a body corporate, by the name of the "Surry County Loan and Trust Company," by which name said corporation shall have all franchises, rights, powers and privileges incident to a corporation, and shall so continue for the term of sixty years.

Corporate name.

Corporate powers.

Capital stock.

Share value.

Privilege to  
increase.

SEC. 2. That the capital stock of said corporation shall be twenty-five thousand dollars (\$25,000.00), to be divided into shares of the par value of one hundred dollars (\$100.00) each, with the privilege to said corporation of increasing the same to an amount not exceeding one hundred and fifty thousand dollars (\$150,000.00).

When to organize.

SEC. 3. The corporators above named, or any three of them, may open books of subscription, and whenever one hundred shares shall be subscribed, a majority of the above named corporators may call a meeting of the subscribers to said stock at any time and place, and on such notice as they may deem sufficient, and may organize by the election of a board of five directors, or more, who shall hold office for one year, or until their successors are elected, and said directors shall elect the necessary

Number of direc-  
tors.

officers. The company shall have authority to transact business whenever one hundred shares have been subscribed, and twenty per centum paid thereon, the balance to be paid in as called for by the directors. The capital stock may be increased from time to time, either by additional subscriptions of stock, or by application of the surplus earnings of the corporation, and if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the shareholders *pro rata*. At all stockholders' meetings each share shall be entitled to one vote, either in person or by proxy.

When authorized to transact business.

How capital stock increased.

Stock dividends, when declared.  
Voting power.

SEC. 4. The corporation hereby created shall have power to make contracts, to have and use a common seal, to sue and be sued, complain and defend in any court as fully as natural persons, to buy, lease, improve, hold, possess and convey real and personal property, to make by-laws for the regulation and management of the company, to do all lawful acts and things, and exercise all lawful powers and privileges which a corporate body may do.

Corporate powers.

SEC. 5. That said company shall have power to borrow money in such amounts and at such rate of interest, and payable at such times and places as the Board of Directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit, on open account, or on certificate of deposit, and pay interest thereon or not. It may receive on deposit for safe keeping gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor.

Corporate powers.

SEC. 6. The said company may loan money on mortgage or deed of trust conveying real or personal property, or on other security; may buy and sell real estate, stocks, bonds, and other security; may discount bills of exchange, foreign and domestic, promissory notes and other negotiable papers. In case any borrower from said company fails to meet his obligations it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, in case of sale of either real or personal security make title to the purchaser.

Corporate powers.

Rate of interest.

SEC. 7. The said company may act as the fiscal or transfer agent of or trustee for any State, county, municipality, body politic, or corporation, or for any person or persons, and in such capacity may receive and disburse money, and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

May act as fiscal or transfer agent, or trustee.

Powers as such.

May act as executor, trustee, guardian, etc.	SEC. 8. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon, or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trusts, and for compensation shall have such commission as may be fixed by law, or as may be agreed on; that in lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court the said company shall file in the office of the Clerk of the Superior Court of Surry 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 county; and to be approved by the said Clerk, and the said undertaking so secured may be accepted by the said Clerk, and held as such security in the sum of ten thousand dollars conditioned for the faithful performance of any trust, which may be committed to the said company by order of any court of North Carolina as aforesaid. In case of wilful default in the performance of any trust so committed to said company, as aforesaid, the said undertaking may be sued upon by the party injured, or his personal representative in the Superior Court of any county of North Carolina, where such default may have been made (and the Clerk of the Superior Court of Surry County, whenever it shall be made satisfactory to appear by sworn testimony that it is necessary in order to secure the faithful performance of all said trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same). A copy of such undertaking duly certified by the seal of the Superior Court of Surry County, and if secured by the bonds of the State, or of the United States, or of any county, or city or other security, as aforesaid, a statement thereof so certified, shall be evidence in all the Courts of North Carolina. And the Superior Court, wherein the said company shall have been appointed guardian, executor, administrator, receiver, trustee or depository, shall have the power to make orders respecting such trusts, and to require the said company to render all accounts which said Court might lawfully make or require if such trustee were a natural person, and in accepting any of the trusts or pow-
Compensation.	
May file undertaking in lieu of bond.	
Conditions of said undertaking.	
Proceedings in case of default.	
Clerk may require undertaking enlarged.	
Certified statement of securities evidence in all courts.	
Respective County Superior Courts to supervise trusts assumed therein.	



ers hereunder, the said corporation may qualify by any of its executive officers.

How to qualify as executor, trustee, etc.  
May conduct savings bank.

SEC. 9. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches, and may receive deposits in small sums, the limit to be fixed by its Board of Directors, and pay interest thereon, by way of dividends 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 Directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of this corporation.

Directors to make by-laws.

SEC. 10. That said corporation shall have the power to insure buildings, furniture, stocks of goods and other property against loss or damage by fire, lightning and water, and issue policies therefor, and shall have power to issue policies of accident and life insurance payable upon the injury by accident, or death of the person insured to the beneficiary named in the policy, under such rules and regulations as may be fixed by the by-laws, and not inconsistent with law.

May conduct insurance business.

SEC. 11. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton, tobacco and other produce, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored, while in its possession; make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton, or other products and merchandise as aforesaid, and the receipts issued by said company be and are hereby declared to be negotiable instruments, and pass by endorsement and delivery and to entitle the holder to the property marked and designated therein, in like manner as the original holder would be, had not such an assignment been made.

May build storage warehouses and charge commission for storage.

Charge, first lien on property stored.

May make by-laws regulating storage.

May make advances on property stored.

Receipts for stored property negotiable.

SEC. 12. That said corporation may receive and pay out the lawful currency and deal in exchange, gold, silver, coin and bullion; may discount notes, drafts and other securities, may issue bills or notes to circulate as currency in such denominations as the Board of Directors may authorize, and under such regulations as may be hereafter authorized and provided by the laws of this State and the United States, and shall have all the rights, powers, privileges, and franchises incident to banking institu-

Corporate powers.

May issue currency under United States and State laws.

- Deposit by minor, feme covert, etc., how withdrawn. tions in this State, and if money be deposited with the said corporation by a minor, or feme covert, either as an investment or otherwise, such money may be withdrawn by such minor, or feme covert, without the consent of the parent or guardian of such minor, or the husband of the feme covert. or [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.
- Liability of stockholders. SEC. 13. That no stockholder shall be individually liable for any debt, contract or tort of the corporation beyond his stock.
- Stock, how transferred. SEC. 14. That the stock of this corporation held by anyone shall be transferred only on the books of the company, either in person, or by 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, 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 stockholders.
- Indebtedness of stockholder to corporation creates first lien on his stock. SEC. 15. The said company may establish offices and agencies, or transact business at such places as it may deem proper. The principal office shall be in Mount Airy in Surry County, North Carolina.
- Location of offices and places of business.
- Location of principal office.
- Power granted to invest trust funds at risk of company. SEC. 16. The said company shall have discretionary power to invest the funds received by it in trust, in the bonds of the United States, or of any State, or in the bonds duly authorized to be issued, by any county, or incorporated city, or other good securities, or in safe and personal securities, but all such investments shall be at the sole risk of the company, and for any losses by reason of such investments the capital stock, property and effects of said corporation shall be absolutely liable. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.
- Liability for loss.
- Duties and liabilities as to income of trust funds. SEC. 17. This act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

## CHAPTER 21.

## AN ACT TO INCORPORATE "THE CLEVELAND COMMERCIAL COLLEGE" OF SHELBY, CLEVELAND COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Thos. Plonk and C. E. Hamrick, their associates and successors, be and are hereby created a body politic and corporate, under the name and style of "The Cleveland Commercial College," and by that name to remain for sixty years, for the purpose of maintaining a college of high grade in the town of Shelby, county of Cleveland, and State of North Carolina, and in that name may acquire, hold and convey property, real and personal, may sue and be sued, be contracted with, plead and be impleaded 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 may be deemed necessary for the government of said institution: *Provided*, such by-laws shall not be inconsistent with the Constitution and laws of North Carolina and of the United States.

Corporators.  
Body corporate.  
Corporate name.  
Purposes.  
Corporate powers and rights.

SEC. 2. That the corporation shall have the power to issue to students, who complete the prescribed course of study, certificates of proficiency or diplomas.

May issue diplomas.

SEC. 3. 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 shall be of the par value of ten dollars.

May issue shares of capital stock.

Division of shares.

Par value.

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 time of meetings and transact such business as may be necessary for the success of the institution: *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 or stockholders.

Control of affairs of corporation.

Questions decided by majority of stock represented.

Quorum.

SEC. 5. That in order to make improvements or advance the purposes of the corporation, this corporation shall have the

Power to create debts and secure the same.

power to create a debt or debts and if so desired to secure the same by a mortgage or mortgages or deed or deeds of trust.

Liability of stockholders.

SEC. 6. That the stockholders shall not be individually liable for the contracts or torts of the corporation.

Time for first meeting.

SEC. 7. That the first meeting of the stockholders shall be held within the next three months from or after the ratification of this act, at such time and place as said Thos. Plonk shall designate, notice of said meeting to be given to each stockholder or incorporator.

Notice.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

#### CHAPTER 22.

#### AN ACT TO INCORPORATE THE "BANK OF HENDERSONVILLE," N. C.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. B. Rickman, W. D. Barnett, D. M. Hodges and others, 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 Hendersonville," and shall continue for a period of fifty years, with capacity to sue and be sued, maintain and defend actions and special proceedings in its corporate name; to take, hold, buy, sell, lease and exchange and convey real and personal estate, and to conduct, transact and 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 four (4), volume two (2) of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.

Corporate name and limit.

Corporate Powers.

Capital stock.  
Shares.

SEC. 2. That the capital stock of said bank shall be twenty-five thousand (\$25,000.00) dollars in shares of one hundred (\$100.00) 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 (\$100,000.00) dollars.

Capital stock may be increased.

Place of business.

SEC. 3. That the office and place of business of said banking company shall be in the town of Hendersonville, Henderson County, and State of North Carolina, and its officers shall consist of a president and a cashier, and a board of not less than three nor more than nine directors, who are to be elected annually by

Officers, how elected.

the stockholders; the directors so elected to choose the officers aforesaid and may require each of the officers of said bank to give bond, with approved security for the faithful performance of their respective duties. Official bonds.

SEC. 4. Whenever fifteen thousand (\$15,000.00) dollars are paid in, the said corporators or a majority of them, may call a meeting of the stockholders in the town of Hendersonville, 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, not to exceed nine, to serve for one year, and until their successors shall be chosen or for such term as they may prescribe. When may organize.  
Shall adopt by-laws.  
Term of directors.

SEC. 5. That the president and directors of the bank may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents; fix their compensation and take security for the faithful discharge of their duties; prescribe the manner of paying for the stock and the transfer thereof, may do a general banking business on such terms and rates of interest and discount as may be agreed on, not inconsistent with the laws of the State; and in general have the privileges conferred on corporations by the general laws of the State. The bank shall have a lien on the stock for the debts due it by the stockholders before and in preference to other creditors of the same dignity. Powers of president and directors.  
Bank to have lien on stock for debts due it by stockholders.

SEC. 6. That the capital stock of this bank shall be taxed as other property in this State to the full amount paid in thereon, less the value of its taxable property, and all non-taxable bonds, which shall be deducted from the amount paid on the said capital stock. Taxation of capital stock.

SEC. 7. That said banking company shall have a right to do a general banking business, receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to lend and invest money, in or upon the security of mortgage, pledge, deed or otherwise on any land, hereditaments or personal property, or interest therein of any description, situated anywhere; to lend money upon, or purchase, or otherwise acquire bills of lading, or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers; or any crop or produce whatever; or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on such loans not exceeding the rate allowed by law. Rights, privileges and powers of said corporation.

**Corporate powers.** SEC. 8. That said company may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, 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 shareholders; 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.

**Corporate powers.** SEC. 9. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums, and at such times, and on such terms as the Board of Directors may agree upon; and 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 own check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by said individual check or order, and the said individual check or order shall be a valid and sufficient release to said corporation against said married woman, minors, or apprentices and all persons whatsoever.

**May act as agent, factor or trustee for management and disposition of State, county or municipal bonds.** SEC. 10. That said company shall have the right to act as agent, factor or trustee for any State, county, town, municipality, corporation, company or individual on such terms as to agency and commission as may be agreed on in the 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 of managing such business; and may charge such premiums, commissions or rate of compensation as may be agreed on, in and for any of the things and matters authorized by this act.

**May accept and execute trusts.** SEC. 11. That said corporation shall have the power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept

**May accept, hold and manage grants, assignments, transfers, bequests, estates, etc.** any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate created in accordance with the laws of

this State, and then to execute the same on such terms as may be established and agreed on by its Board of Directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed 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 silver plate, and other valuables and charge and collect a reasonable compensation for the same, which said charge shall be a lien on said deposits until paid; and generally to do and carry on the business of a safety deposit and trust company.

May act as trustee, receive moneys in litigation, etc.

May keep on deposit for safe-keeping money, bonds, jewelry, etc.

SEC. 12. That said company is hereby given the right to insure or guarantee the payment of any dividend, bonds, notes, undertakings or mortgages, or other securities or evidences of indebtedness of any person, partnership, or corporation for any price and on any consideration agreed upon.

Provision for insurance and guarantee.

SEC. 13. That this company is specially invested with the powers and privileges usually incident to savings banks, may receive deposits in very small sums, the limit to be fixed by the Board of Directors, and may pay interest thereon by way of dividends out of the net earnings, or fix rates according as may be agreed between the company and its depositors; and the Board of Directors are hereby fully authorized to make all needful by-laws and regulations for carrying into effect the bank features of this corporation.

Provisions for savings bank business.

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.

May buy and hold property sold as security for debt due corporation.

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 the 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.

Time for annual stockholders' meeting, how fixed.

Stockholders, how represented; one vote for each share.

SEC. 16. That the stockholders of this corporation shall not be individually liable for any of the debts, contracts or liabilities of the corporation, further than the value of their stock.

Liability of stockholders.

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 and discharged, for all such in-

Stock, how transferred.

Corporation to have superior lien on stock, for debt due it by stockholder.

debteariness said corporation shall have a lien superior to all other liens upon the stock of said stockholders.

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1901.

#### CHAPTER 23.

### AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN, MACON COUNTY, TO ISSUE BONDS FOR THE IMPROVEMENT OF ITS STREETS, AND OTHER PURPOSES, AND TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

Mayor and Commissioners of Franklin authorized to issue bonds.

SECTION 1. That the Mayor and Board of Commissioners of the town of Franklin, Macon County, North Carolina, at any time within two years after the ratification of this act, at any election held for that purpose as hereinafter provided, be and they are hereby authorized and empowered to issue coupon bonds in the name of the town of Franklin in such form and denomination as the said Mayor and Board of Commissioners may determine to an amount not less than five hundred dollars and not to exceed three thousand dollars, and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding five per centum per annum, payable semi-annually, and be payable at such time or times and place or places as the said Mayor and Board of Commissioners shall determine: *Provided*, that the time of payment of said bonds shall not be fixed at less than five years or more than twenty years from their date; that the said bonds shall be signed by said Mayor and Board of Commissioners, and the interest on said bonds shall be evidenced by interest coupons thereto attached in the usual form; and said bonds when issued and the interest accumulating thereon shall be fully binding upon said town of Franklin and its property.

Amount.

Rate of interest.

When payable.

How signed.

Coupons.

Board may levy and collect tax to pay bonds and interest

SEC. 2. That said Mayor and Board of Commissioners are hereby authorized and empowered, upon the issuing of said bonds, to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, sufficient to meet the interest on said bonds, and pay the principal thereof when they become due and payable, and said taxes shall be col-



lected in like manner as the other taxes of said town and paid into the hands of the Treasurer thereof, for the purpose aforesaid.

SEC. 3. That said bonds shall not be issued nor taxes levied until authorized by a vote of a majority of the qualified voters of the said town at a public election to be held in the same manner as elections are or may hereafter be held in said town for the election of Mayor and Commissioners thereof, and at such election those who favor the issuing of said bonds and levying the taxes herein provided for shall vote ballots with the word "Approved" written or printed thereon, and those opposed to the issuing of said bonds, shall vote ballots with the words "Not Approved" written or printed thereon; and if at any such election a majority of the qualified voters of said town shall vote ballots with the word "Approved" written or printed thereon, then the said Mayor and Board of Commissioners shall issue said bonds and levy a tax sufficient to meet the interest and principal thereof when due, as hereinbefore specified. The first election under this act shall be held on the first Monday in April, 1901, in the manner and form hereinbefore stated, and if at such election a majority of the qualified voters of said town shall not vote in favor of issuing said bonds, then the Mayor and Board of Commissioners of said town shall at any time, and as often thereafter as they deem best, upon the petition of one-fourth of the qualified voters of said town, order an election to be held under the rules and regulations prescribed by law for the election of Mayor and Commissioners of said town, and after thirty days' public notice thereof posted at the court-house door in said town and at each of such elections the ballots shall be as hereinbefore directed, and if at any such election the majority of the qualified voters of said town shall cast ballots in favor of the issuing of said bonds as aforesaid, then the said bonds shall be issued by said Mayor and Board of Commissioners, to be applied to the purposes and upon the terms and conditions herein stated in this act.

No bond issue nor tax levy till authorized by majority of qualified voters.

Form of ballots.

If election favorable thereto, bond issue and tax levy mandatory.

Date of election.

If first election against bond issue, others provided for.

Notice.

SEC. 4. That said bonds when issued, shall be for the following purposes, viz.: For macadamizing and otherwise improving the public streets and sidewalks of the said town of Franklin.

Bonds issued, for what purpose.

SEC. 5. That said Board of Commissioners are hereby authorized and empowered to sell, dispose of, or make contracts in regard to said bonds, when issued, for the purposes hereinbefore stated.

Commissioners empowered to dispose of bonds.

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

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

## CHAPTER 24.

## AN ACT TO INCORPORATE THE TOWN OF BISCOE, IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Town of Biscoe incorporated.

To have benefit of and be subject to laws governing incorporated towns.

Corporate limits.

Officers, how elected.

Names and time of service of present officers.

SECTION 1. That the town of Biscoe in the county of Montgomery be and the same is hereby incorporated by the name and style of the town of "Biscoe," 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. The corporate limits of said town shall be as follows: One-half a mile north and south, and one-half a mile east and west from the center of the passenger station of the Aberdeen and Ashboro Railroad Company in said town.

SEC. 3. That the officers of said town shall consist of a Mayor, five Commissioners, and a Marshal, to be elected in accordance with the general laws regulating elections in cities and towns.

SEC. 4. That until their successors are elected and qualified the following persons shall be officers of said town, to-wit: Mayor, William B. Hicks; Commissioners, Frank K. Sturdivant, William H. Thompson, Junius R. Page, Arthur W. Burt and Charles C. Martin; Marshal, J. William Ewing.

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

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

## CHAPTER 25.

## AN ACT TO INCORPORATE THE DURHAM TRACTION COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

Body corporate.

Corporate name.

Corporate powers.

SECTION 1. That Richard H. Wright, Julian S. Carr, A. B. Andrews and Samuel Register, and such other persons as are now, or may hereafter be associated with them, their successors, and assigns, be, and they are hereby created, constituted and incorporated a body politic and corporate under the name and style of Durham Traction Company, and by that name shall be known in law. shall have the power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all Courts, whether at law or in equity, and may have and

use a common seal, and the same break, alter, renew, or change at pleasure, and may make, ordain, establish and alter or amend, such by-laws, ordinances and regulations, concerning all matters of organization, management and business not herein specifically provided for as the said company may think proper, and generally may do every and any act and thing necessary to carry this act into effect, and to promote the objects and designs of the corporation: *Provided*, such by-laws, ordinances, regulations or acts be not inconsistent with the laws of the United States or of the State of North Carolina.

SEC. 2. That said company shall be and it is hereby empowered and authorized to promote, establish, conduct and maintain the business of a general street railway, light and power company; to locate, buy, lease, construct, erect, establish, equip, maintain, operate, own or sell, or otherwise acquire and dispose of a line or lines of street railway or railways, and a plant or plants, works, or other necessary equipment, for the generation of electricity, gas or other materials or fluids, and supply the same for public or private use for light, power and heat, within the limits of the city of Durham and within the limits of the county of Durham, as the same are now or may hereafter be laid off, as may be determined upon from time to time by said company, and over the bridges across any river, creek or stream within said city or county. The said company may locate, lay, erect, construct, equip, maintain, and operate its line or lines of street railway and its poles, wires, sub-ways, conduits, pipes, mains and other fixtures and appliances, necessary for the proper, full and convenient carrying on of the business of said company, in, over and along the roads, avenues, lanes, alleys and other public highways in the said city and county, permission being first had from the Board of Aldermen of the city of Durham for work authorized to be done hereunder within the limits of the said city, and permission being first had from the Board of Commissioners of the county of Durham for work to be done hereunder within the limits of the said county, and outside of the corporate limits of the city of Durham.

SEC. 3. The said company hereby incorporated may transport passengers and freight over the lines of its railway and collect fares and tolls for same, and may operate its railway system by electricity or other available motor power; the said company may manufacture, generate, employ, distribute, furnish, buy and sell electricity, the electric current, gas or other suitable and proper materials or fluids, for public and private use, for light, heat and power, or other purposes, for its own use and for distribution and sale, for any or all of said purposes, to all persons, firms and corporations upon such terms as may be agreed upon by the

Corporate powers and purposes.

Street Railway, Light and Power Company.

Powers exercised in city and county of Durham.

Upon permission of authorities may use public streets, roads, etc.

Corporate powers.

contracting parties, and may purchase and sell appliances and fixtures in connection with, and for the purpose of introducing its light, heat and power into general use.

**Capital stock.** SEC. 4. The capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time, to any sum not exceeding one million dollars, as a majority of the stockholders may determine; said stock to be divided into shares of the par value of one hundred dollars each. Said capital stock may be divided into common and preferred in such proportion as the stockholders by unanimous vote may decide. Subscriptions to the capital stock may be received by the incorporators herein named, or any three of them, at such time and place as they may appoint, and with or without public notice, as they may deem best; and as soon as the minimum of the capital stock has been subscribed, said subscribers may organize as a corporation and proceed to elect a Board of Directors, consisting of not less than three, nor more than nine, stockholders, and such officers as may be required by the by-laws of said company, and shall thereupon be deemed fully organized and have and exercise all the powers and functions of a corporation under this charter and the laws of the State: *Provided*, work shall commence upon the construction of said company's street railway within two years from the passage of this act. All subscriptions to the capital stock of said company shall be upon such terms and conditions and under such regulations as the Board of Directors may prescribe; and the Directors may receive money or labor, material, bonds, stocks, services, real or personal property, leases, options, rights of way, and other rights or assessments, or the capital stock of other corporations, in payment of subscriptions to the capital stock of the company hereby incorporated, at their actual value in money, such valuation to be agreed upon between the Directors and subscribers, and may make such subscriptions payable in such manner and amounts and at such times as the Directors may determine. No stockholder of said company shall be held liable or made responsible for the debts or liabilities of said company in a sum beyond any balance due from such stockholder to said company or shares subscribed for by such stockholder.

**May be increased.**

**Shares.**

**Common and preferred stock.**

**Subscriptions, how and when received.**

**When stockholders may organize.**

**Officers.**

**Time limit for commencing work.**

**Terms of subscriptions.**

**Subscriptions, in what paid.**

**Stockholders' liability.**

SEC. 5. The company hereby incorporated may acquire by lease, purchase, subscription to, or purchase of the capital stock, or otherwise, the works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, of other like companies, chartered under the laws of this or other States, and may own, buy, sell, lease, use, operate, maintain, and extend the same, and power is hereby conferred upon other like companies chartered under the laws of this or other

States, to transfer by sale or lease all their works, tracks, property, franchises, rights, privileges, and immunities, including the right to be a corporation, to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon between them. The said company hereby incorporated, may purchase or otherwise acquire and hold, the stock and bonds of any other company or corporation chartered under the laws of this or other States; and it may acquire and hold by purchase, lease, or in any other manner, the plant, works or other property of any company, firm or individual now engaged, or which may hereafter engage in a similar business in said city or county, and may likewise acquire and hold, or afterwards sell, any other property necessary, to the conduct of the business of the said company hereby incorporated, and may make payment for such railways, plants, works, franchises, rights, or other property, in money, or by issuing its bonds, notes or stock therefor.

SEC. 6. It shall be lawful for any corporation or company, and they are hereby empowered, to subscribe for, purchase, or otherwise acquire and hold, or guarantee, the stock or bonds of the said company hereby incorporated, and the said company hereby incorporated may sell, lease or convey its property, privileges and franchises to any other such company.

SEC. 7. The said company hereby incorporated may take and acquire by purchase, lease, condemnation or otherwise and hold, or thereafter sell or otherwise dispose of, the lands required for the right of way for its railways, stations, yards, sidetracks, shops, power-houses, terminals, and operating facilities, plants and works, but the mode of condemning any lands, or rights shall be the same provided by the general laws of this State for the condemnation of lands by and for the use of railroad companies, as specified in chapter forty-nine (49) of The Code, and said company shall also have the right to acquire by purchase and hold lands not exceeding ten acres in said city of Durham, nor more than five hundred acres in said county of Durham, in or through which it may be operating or intending to operate, and it is hereby empowered and authorized to sell, lease, convey and encumber the same, as may be necessary or proper for the conduct of its business and the prosecution of its work.

SEC. 8. The principal office of the said company shall be in the city of Durham, or such other place in the State of North Carolina as may be deemed convenient or necessary by the Board of Directors of said company for the conduct of its business.

SEC. 9. And the said company, in addition to its other rights and privileges, shall have the right, and it is hereby authorized and empowered, to promote, establish, construct, operate and

May acquire bonds and stocks of companies chartered in other States, and property of companies engaged in similar business in said county.

Method of payment therefor.

Other corporations or companies may acquire stock or bonds of this company.

May acquire lands and rights of way.

Condemnation proceedings same as provided in Code.

Amount of land company may acquire in City and County of Durham.

Powers.

Principal office.

May manufacture ice.

maintain, buy, lease, operate, own or sell, or otherwise acquire and dispose of a plant, works, machinery and other necessary fixtures and appliances, for the manufacture of artificial ice, on any plan and by any process it may approve, the same to be located in any city, town or place in the said county of Durham, which the said company may determine upon, and to that end it may buy, sell and deal in all materials necessary for the manufacture of artificial ice; may use and employ steam, water or electric power, and may buy, sell, or distribute ice upon such terms as may be agreed upon between the contracting parties.

May borrow money and dispose of bonds therefor.

SEC. 16. It shall be lawful for said company, and it is hereby authorized and empowered, to borrow money, make, execute, issue, and sell or negotiate its bonds from time to time, for such sums and on such terms, and for such price as its Board of Directors may deem expedient and proper for any of the purposes of said company; and may secure the payment of said bonds by mortgages, or deeds of trust, upon all or any portion of its property, real, personal or mixed, its contracts, rights, franchises, and privileges, including its right to be a corporation, and it may, as the business of the company shall require, sell, lease, convey and encumber the same. The said company shall have the right to lend or otherwise invest, its accumulated funds or surplus; to purchase and own the stock or bonds of any other company or corporation, and to sell or otherwise dispose of the same at its pleasure.

May use and cross tracks of other companies.

SEC. 11. The said company hereby incorporated is authorized and empowered to use, on any portion of its line or lines of railway, the track of any other railway company, with the consent of said other railway company; and may cross with its tracks either at, above or below grade the tracks of any railroad company. The said company is authorized and empowered to locate, construct, equip, operate, and maintain any lateral or branch roads, or tramways, not exceeding twenty miles in extent, and by such route or routes as may be selected by its Board of Directors, the said company may purchase or lease any such lateral or branch road which may be constructed, together with all the rights, powers, properties, privileges and franchises appertaining thereto, and may pay for the same with money or by issue of its stock, notes or bonds. And said company may connect or unite its road with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or companies operating or authorized to operate a connecting railway or railways, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidat-

May build and operate branch roads.

Power to connect or consolidate with other companies.

ing, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or combination, or any lease or sale.

SEC. 12. Any person who shall deface, injure, destroy, remove or obstruct said railway, or any part thereof, or any of the cars, trains, coaches, or carriages thereof, or any of the fixtures, property or machinery thereof, or any of the other works, poles, wires, pipes, fixtures, appliances, structures, machinery or property of any kind of the hereby incorporated company, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the Superior Court.

Any person interfering with or injuring property of said company, guilty of misdemeanor.

Penalty.

SEC. 13. That any person or persons who shall cast, throw, shoot, propel or project, or in anywise put in motion any stone, rock, shot, pellet or other missile of any kind or nature, at, against or into any car, carriage, coach or train upon said railway, whether the same be in motion or at rest, with intent to injure any such car, carriage, coach or train, or any person or persons therein or thereon, or any horse or other animal attached thereto or connected therewith, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the Superior Court.

Persons casting missiles at cars, etc., guilty of misdemeanor.

Penalty.

SEC. 14. Any person who shall unlawfully injure or destroy, or having the right to prevent it shall permit to be injured or destroyed any meter, pipe, conduit, wire, pole, lamp or other apparatus belonging to the company hereby incorporated, or who shall unlawfully prevent an electric or gas meter from duly registering the quantity of electricity or gas supplied, or in any way interfering with its proper action or just registration, or who shall without the consent of the said company divert any electric current from any wire of said company, or who shall otherwise unlawfully use or cause to be used, without the consent of the said company, any electricity or gas manufactured or distributed by said company, shall upon conviction thereof be deemed guilty of misdemeanor and fined or imprisoned within the discretion of the Superior Court.

Persons unlawfully injuring or interfering with property or fixtures of said company, guilty of misdemeanor.

Penalty.

SEC. 15. The motormen, conductors, and other agents and servants of said company, while in the active service of said company, or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privilege which belongs to similar officers and agents of the railroad companies in this State, and in addition to the general powers conferred upon such agents and officers they may eject and remove from any of the cars, carriages or coaches of said railway company any person or persons who fail or refuse to pay their fare

Same powers and authority conferred upon officers and employees of said company as conferred upon similar officers and employees of railroad companies.

Additional powers.

Power to eject people from cars, etc.

according to the rules and regulations of said company, and they, the said officers and agents, may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid or not, and the said company, its agents or officers shall not be liable, civilly or criminally, therefor, unless he use greater force than is necessary to eject such person.

Conflicting laws repealed.

SEC. 16. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

#### CHAPTER 26.

### AN ACT TO AMEND "AN ACT TO INCORPORATE THE CITIZENS SAVINGS BANK."

*The General Assembly of North Carolina do enact:*

Chapter 329, Private Laws 1899, amended.

Directors may purchase shares in excess of minimum capital stock, for not more than par value, and may cancel unpaid subscriptions thereto.

SECTION 1. That section 3, chapter 329, Private Laws of 1899, entitled "An act to incorporate the Citizens Savings Bank" be amended by striking out the words "twenty-five" in line two of said section and inserting the word "fifteen," and by adding to said section the following provision: "The directors of said bank are authorized and empowered to purchase such shares of the capital stock of said bank as the said bank has issued in excess of said minimum capital of fifteen thousand dollars: *Provided*, the shares can be purchased at a price not exceeding the par value of said shares; and the said directors are authorized to cancel subscriptions to the shares of the capital stock of said bank already made and not fully paid for, upon such terms as may be provided by the by-laws of said bank, or may be agreed upon by the subscribers and the directors: *Provided further*, that the capital stock is not reduced below the minimum amount of fifteen thousand dollars."

Section 4, Chapter 329, amended.

SEC. 2. That section 4 of said chapter 329, be amended by striking out the word "ten" in line five, and inserting in lieu thereof the word "one."

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

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.



## CHAPTER 27.

## AN ACT TO INCORPORATE THE BANK OF CLINTON

*The General Assembly of North Carolina do enact:*

SECTION 1. That L. A. Bethune, W. H. McDonald, W. B. Stuart, R. M. Lee, W. S. Partrick, B. F. Powell, J. L. Stewart, G. E. Butler, L. McKinnin, T. J. Lee, J. V. Grainger, W. J. Beaman, and others, and their associates, successors and assigns, being stockholders in said corporation, be and they are hereby constituted and declared a body politic and corporate under the name and style of the Bank of Clinton, for the period of sixty years, with full power to sue and be sued in any Court of this State, or of the United States, to acquire, own, hold and convey real and personal property, and to conduct, transact and carry on a general banking business, with all the powers, rights, privileges, franchises, and immunities hereby specially granted and in addition those granted to banks under the general laws of North Carolina.

Corporators.

Corporate name.

Duration.

Corporate powers.

SEC. 2. The capital stock of said bank shall be fifteen thousand dollars, of shares of one hundred dollars each, with power of the stockholders by a two-thirds vote to increase said capital stock from time to time to an amount not to exceed fifty thousand dollars, and the chief office and place of business of said bank shall be in the town of Clinton, North Carolina.

Capital stock.

Shares.

Power to increase capital stock.

Principal office.

SEC. 3. That the corporators herein named are hereby empowered to cause books of subscription to its capital stock to be opened at such times and places, and for such periods as they may determine, and when fifteen thousand dollars shall have been subscribed to said stock, shall call a meeting of said subscribers at such time and place, and upon such notice as to them shall seem sufficient for the purpose of effecting an organization, and commencing business under this charter. But this corporation shall not commence a general banking business until the capital stock so subscribed shall have been fully paid up.

Subscription books opened, when.

When to organize and commence business.

SEC. 4. That said corporation shall have power to make and elect such officers and agents as it shall see fit to prescribe, their duties, compensations, and terms of service, to require said officers to enter into bond, with security for the faithful discharge of their duties, to prescribe when and how the subscriptions to said capital stock shall be paid in, and how the title of said stock shall be evidenced, transferred, assigned and surrendered, and to make, ordain and put into execution such rules, regulations and by-laws as to said corporation shall seem necessary and practical for the government and management of its business not

Officers.

Corporate powers.

inconsistent with the Constitution and laws of this State and of the United States.

- Corporate powers. SEC. 5. That this corporation may have, use and alter a common seal, regulate the methods of conducting the business of the corporation, and shall have the power to borrow, receive and pay out the lawful currency of the country, to deal in all kinds of commercial and mercantile paper, gold and silver coin, stocks, bonds, exchange, notes and other securities; loan money at such rate of interest as may be agreed upon, and not prohibited by law, or personal security, or on mortgage on real or personal property or both, and may take and retain or receive said interest at the time of making said loan, free from all other control or liability whatever. That this corporation is also empowered to receive deposits, and issue certificates therefor, subject to the by-laws; and when married women, minors or apprentices shall deposit money or other property in the bank to their own credit or name, they may withdraw the same, on their own individual check, receipt or order subject to the by-laws of this corporation, and such check, receipt or order of such married women, minors or apprentices shall be a valid and sufficient release and receipt to said corporation against said married women, minors or apprentices and all other persons.
- Deposits of married women, minors and apprentices, how withdrawn.
- SEC. 6. That whenever any real or personal property, on which this corporation may have a lien of any kind, shall be sold by authority of law, said corporation may bid for, buy and hold, any or all such property, whether such sale be made by this corporation or otherwise, and such purchase shall be valid, and binding, upon all parties having or claiming any interest therein, and all other persons.
- May purchase and hold real estate on which corporation has lien.
- SEC. 7. That any executor, administrator, guardian, receiver, or other trustee, or public officer, having the care, custody or control, of any bonds, stocks, securities, moneys, or other valuable thing whatsoever, shall be and are hereby authorized and empowered to deposit the same with said bank.
- Executors, etc., may deposit property with bank.
- SEC. 8. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver and paper money, bullion and precious metals, jewels, plate, heirlooms, certificates of stock, bonds, notes, evidences of debt, dues, muniments of title and all other valuable papers of any kind, or other article or thing of value whatsoever, which may be left or deposited for safe keeping with said bank, and shall be entitled to charge, demand and receive such compensation or commission therefor as may be agreed upon.
- Special deposits.
- May charge for safe keeping.

SEC. 9. That said bank shall have a lien upon the stock for debts due it by the holder of said stock, and upon all deposits, for debts and liabilities to said bank from the maker of such deposits, in preference to all other creditors, but no stockholder shall be individually responsible to this corporation or its creditors in any other or greater amount than the stock subscribed and actually paid in by him for any debt, or obligation that may be due or made by this corporation.

Bank to have prior lien on stock and deposits for debts due from owners and depositors.

Stockholders' liability.

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

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

#### CHAPTER 28.

#### AN ACT TO INCORPORATE THE EAGLE HOSE COMPANY, NUMBER SEVEN, OF THE CITY OF GREENSBORO, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That H. J. Elam, J. L. Thacker, R. C. Whittington, F. N. Taylor, J. J. Smith, L. A. Wyrick, W. L. Cranford, Wm. Smathers, Harry Poezolt, J. R. McClamroch, J. G. Fowler, H. C. Curtis, W. L. Watson, C. B. Bogart, J. R. Wilson, E. L. Clarke, D. E. Sergeant, C. C. Shaw, and any such other persons as they may associate with them and their successors, be and they are hereby constituted a body corporate under the name and style of the "Eagle Hose Company, Number Seven," of the city of Greensboro, N. C.

Corporators.

Corporate name.

SEC. 2. That said body corporate shall have power to sue and be sued, plead and be impleaded by their corporate name, to use a common seal, to purchase and hold real estate and personal property, and adopt such by-laws and regulations as may be necessary for the good government of the same.

Corporate powers.

SEC. 3. Be it further enacted: That all officers and members of the said "Eagle Hose Company, Number Seven," of the city of Greensboro, N. C., be and the same are hereby exempt from all liability to serve as jurors in any Court of justice, or upon any jury of inquest, or grand jury, and from all liability to serve in the militia.

Officers and members of company exempt from jury and militia duty.

SEC. 4. That none of the members of the said corporation shall be individually liable for its debts, contracts or torts.

Liability of members.

SEC. 5. That the tax required by section 5, chapter 318, Public Laws '93, shall not apply to this act.

Section 5, Chapter 318, Public Laws 1893, not to apply to this act.

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

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

## CHAPTER 29.

## AN ACT TO INCORPORATE THE SECURITY LIFE AND ANNUITY COMPANY.

*The General Assembly of North Carolina do enact:*

<p>Incorporators.</p>	<p>SECTION 1. That J. Van Lindley, J. W. Scott, M. S. Shields, Lee H. Battle, P. D. Gold, Jr., E. Colwell, Jr., and their respective assigns and representatives, are hereby created, constituted and declared to be a body corporate for the purpose of organizing and conducting a Life Insurance Company upon the Life or Annuity plan, or both, upon a mutual and co-operative system, by the name and style of "The Security Life and Annuity Company,"</p>
<p>Corporate purposes.</p>	<p>said corporation to exercise all the powers and privileges of a corporation for the purposes above stated, subject to the provisions of the Constitution of this State, and all laws, rules and regulations governing insurance companies now of force, or that may hereafter become of force, either by constitutional or statute law, or by any authorized rules or regulations of the Insurance Commissioner of this State or otherwise, which govern such insurance companies in this State.</p>
<p>Corporate name.</p>	
<p>Corporate powers.</p>	
<p>Principal office.</p>	<p>SEC. 2. The principal office for the transaction of the business of this company shall be in the city of Greensboro in this State, and the said company shall have the power to transact business in any other States of the United States, and its territories.</p>
<p>May transact business in other States.</p>	
<p>Time for organization.</p>	<p>SEC. 3. That within thirty days from the ratification of this act the incorporators above named shall meet upon the call of a majority and adopt by-laws for the organization and regulation of the said company, including its plan or plans of insurance, and all rules and regulations of whatsoever character as may be necessary to conduct such business, and at said meeting they shall elect such officers as may be provided by such by-laws and regulations.</p>
<p>By-laws and rules.</p>	
<p>Election of officers.</p>	
<p>Authorized to deposit with Insurance Commissioner or trust company, securities guaranteeing performance of insurance contracts.</p>	<p>SEC. 4. That said company is authorized if it so desires to deposit money, bonds or other money securities, or a bond of a reliable trust company, for the purpose of guaranteeing the performance of the contracts of insurance which it may make. Such deposits to be made on such terms as the company may prescribe. That such deposit may be made with the Insurance Commissioner of the State or with a reliable trust company. It shall be the duty of the said Commissioner to receive the same on such terms as the company may prescribe, and if the said bonds, securities, etc., are solvent, it shall be his duty to issue to the company a certificate to that effect.</p>

SEC. 5. That this act shall be in force from and after its ratification, and shall continue in force for the term of sixty years.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

#### CHAPTER 30.

### AN ACT TO INCORPORATE THE BANK OF MOUNT OLIVE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Geo. W. Williams, R. J. Southerland, Sr., Y. Corporators.

H. Knowles, D. J. Aaron, C. B. Hatch, W. H. McMullen, W. E.

Borden, M. T. Brezeale, H. J. Pope, W. D. Price, D. S. Martin, O.

W. Sutton, their present and future associates and successors

are hereby constituted and declared to be a body politic and cor-

porate by the name and style of the Bank of Mount Olive, North

Carolina, and shall so continue for the term of sixty years, with

capacity to take, hold, and convey real or personal estate, and

with all the powers, rights and privileges granted to any bank

or banking institution by this or any preceding Legislature of

this State, together with the rights, powers and privileges inci-

dent or belonging to corporations as set forth or referred to in

the first second and third sections of chapter sixteen of The

Code, entitled "Corporations."

SEC. 2. The capital stock of said corporation shall not be less

than ten thousand dollars (\$10,000), 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

fifty thousand dollars.

SEC. 3. The corporators in the first section named, or a ma-

jority of them, are hereby authorized and empowered to open

books of subscription to the capital stock of said bank at such

time or times, at such places and for such periods as they shall

determine, and the stockholders at any general meeting called

after the due organization of said bank, may at their discretion

from time to time reopen books of subscription to said capital

stock until the same be wholly taken.

SEC. 4. Whenever ten thousand dollars shall be subscribed, and

five thousand dollars shall be paid into the capital stock of said

bank, the before named corporators or a majority of them shall

call a meeting of the subscribers to said stock at such time and

place and on such notice as they may deem sufficient; and such

stockholders shall elect such directors as they may think proper.

Corporate name  
and limit.

Corporate powers.

Capital stock.

Shares.

Increase of capi-  
tal stock.

Books of sub-  
scription, when  
and where  
opened.

When to  
organize.

Election and term of directors.

Officers.

Powers of president and directors.

Lien on stock.

Corporate powers.

May purchase and hold real estate sold as security, or under execution for debt.

Corporate powers.

Failure of subscriber to pay for stock, how disposed of.

Subscriber assigning stock before payment, assignees liable for amount due.

Effect of delinquency.

who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and vice-president to serve during their continuance in office.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stocks and the transfer thereof, may do a general banking business on such terms and rates of discount and interest as may be agreed on not inconsistent with the laws of the State; and in general have the privileges conferred on corporations by the general laws of the State relating to corporations. The bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

SEC. 6. The bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coins, bullion, current paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same, may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes or other evidence of debt, to lend money on such terms as may be agreed on not inconsistent with the laws of the State. It may receive on deposit moneys on terms to be agreed on between the officers and depositors.

SEC. 7. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recorded in the name of the bank, either by motion to the Court of the county wherein the delinquent may reside upon giving him ten days' notice of the motion by civil action, or the entire stock may be sold by order of the directors for cash at the banking house in Mount Olive; after advertisement for sale of twenty days in a newspaper published in said city of Mount Olive, and if at such sale the price should not be sufficient to discharge the amount unpaid with all costs attending the sale the subscriber shall be liable for the deficiency in a civil action.

SEC. 8. If any subscriber shall assign his stock before the full payment, he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid, or by civil action and in every case of a delinquency in a subscriber or others, the subscription shall be deemed a promissory note payable to the bank as well in re-

spect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

SEC. 9. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation, shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders and may regulate the terms and rates on which discounts and loans may be made and deposits received by the bank; and they shall direct when dividends of profits shall be made. They may call a meeting of the stockholders whenever they think proper, and any number of stockholders holding together one-fifth of the stocks may call a special meeting on giving thirty days' notice in a newspaper published in Mount Olive. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of president and directors.

Meetings of stockholders, how called.

Voting power of shares.

SEC. 10. Said bank shall have power to make loans upon mortgages of real estate and personal property with power of sale inserted upon default of payment, also to receive in storage or warehouse any cotton, wheat, corn, other produce or any manufactured article whatsoever as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the same, the said liens, pledges or mortgages being duly recorded and registered as in the case of mortgages and deeds of trust, and any sales made thereunder according to the terms therein recited shall be good and valid in law.

Corporate powers, Loans.

Storage warehouse.

SEC. 11. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 29th day of January, A. D. 1901.

#### CHAPTER 31.

### AN ACT TO AMEND THE CHARTER OF THE BANK OF CARTHAGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and thirty-seven (337) of the Private Laws of North Carolina, passed at the session of 1899, be and the same is hereby amended as follows: In section five, line three, strike out the words "six months" and substitute therefor the words "two years."

Chapter 337, Private Laws 1899, amended

SEC. 2. That the organization of said bank heretofore effected under and by virtue of chapter 156 of the Private Laws of North Carolina, passed at the session of 1889, and chapter 337 of the

Organization under former acts ratified.

Private Laws of North Carolina, passed at the session of 1899, be and the same is hereby ratified, confirmed and declared valid.

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

In the General Assembly, read three times, and ratified this the 29th day of January, A. D. 1901.

CHAPTER 32.

AN ACT TO INCORPORATE THE GOLDSBORO OIL COMPANY.

Preamble.

WHEREAS, Henry Lee, H. Weil, and E. B. Borden, and their associates, were on the 19th day of December, 1882, duly incorporated under the General Laws of North Carolina, chapter 26, Battle's Revisal, under the name and style of "The Goldsboro Oil Company;" and,

WHEREAS, They desire to be incorporated by an act of the General Assembly, with additional powers to those conferred upon them by the charter under which they are now operating, and to organize under the charter herein provided for; now therefore,

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Henry Lee, Henry Weil, and E. B. Borden, their associates and successors, be and they are hereby constituted and declared a body politic and corporate by the name and style of The Goldsboro Oil Company, with its principal office and place of general business at Goldsboro, North Carolina, and by that name may sue and be sued, plead and be impleaded, in any Court in the State, exist for the term of sixty (60) years, and have all the powers and rights conferred upon corporations under the general laws of the State of North Carolina.

Corporate name.  
Principal office.

Corporate powers.

Corporate business to manufacture oil and fertilizers.

SEC. 2. That the business of the said corporation shall be the manufacture and sale of oil and all other products of cottonseed, and the manufacture of commercial fertilizers, and the said corporation shall have the right and power to manufacture, use, buy and sell any and all products of any and every character which enter into the manufacture of commercial fertilizers, and to build, purchase, own, and operate oil mills, fertilizer factories and acid chambers for the manufacture of acid phosphate at any place or places in this State, and to buy, own, and occupy all real estate necessary or proper for the purposes herein set forth.

Capital stock.  
Shares.

SEC. 3. That the capital stock of the said corporation shall be one hundred thousand (\$100,000) dollars, divided into 1,000



shares of the par value of one hundred (\$100) dollars each, and the said capital stock may be increased at any time, or from time to time, as the stockholders thereof may elect, to a sum not to exceed the sum of one million (\$1,000,000) dollars, divided into shares of the par value of one hundred (\$100) dollars each.

Share value.  
May increase capital stock.

SEC. 4. That the officers of the said corporation shall be a president, a secretary and treasurer, and a board of five (5) directors, who shall be vested with the duties and powers and subject to the liabilities usually incident to their respective offices and which may be prescribed by the by-laws of the company, and such other officer or officers as the stockholders may determine.

Officers.  
  
Duties and powers.

SEC. 5. The Board of Directors shall be elected at the first meeting held after the ratification of this act, and annually thereafter by a vote of the majority of the stockholders. The president, secretary and treasurer and such other officers as the stockholders may determine, shall be elected by the Board of Directors.

Board of Directors and officers, how and when elected.

SEC. 6. Regular meetings of the stockholders shall be held in Goldsboro, North Carolina, once a year, the time and place of such meetings to be fixed by the by-laws of the company, of which all the stockholders shall be duly notified. The first meeting after the ratification of this act shall be held at Goldsboro, North Carolina, upon due notice to the stockholders.

Stockholders' meetings.  
  
Notice.

SEC. 7. That in all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock owned by him, and may vote by proxy.

Voting power of stock.

SEC. 8. The stockholders shall not be individually liable for the debts, obligations, or torts of the corporation.

Stockholders' liability.

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

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1901.

#### CHAPTER 33.

#### AN ACT TO INCORPORATE THE BANK OF FREMONT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. T. Hooks, E. T. Dickinson, Barnes & Flowers, M. T. Johnson, J. R. Short, G. D. Best, A. R. Morgan, R. W. Craton, D. Capeland, Leonard Dickinson, J. H. Aycock, W. R. Ballance, D. D. Peele, I. J. Sternberger, Mrs. E. J. Overby, Alex. Sprunt & Son, J. R. Person, J. V. Granger, A. Roscower, Mary Exum, J. B. Exum, E. C. Exum, Cutlar Lee, Yelverton

Corporators.

Corporate name.	Brothers, Z. D. Mumford, M. M. Mumford, A. G. Bogue. Peacock & Davis, W. G. Peacock, W. T. Turlington, and O. L. Aycock. their associates, successors, and assigns, are hereby constituted and declared a body politic and corporate by the name and style of the "Bank of Fremont," with its principal office and place of
Principal office.	general business at Fremont, North Carolina, and by that name
Corporate powers.	may sue and be sued, plead and be impleaded, in any Court in the State, and have a continued succession for the term of sixty years.
Capital stock.	SEC. 2. That the capital stock shall be twelve thousand
Shares.	five hundred (\$12,500) dollars, divided into shares of one hundred (\$100.00) dollars each, and such capital stock may be in-
Increase of capital stock.	creased at any time or from time to time as said corporation may elect to a sum not to exceed fifty thousand (\$50,000) dol-
Books of sub-	SEC. 3. That the incorporators named herein or any three of
scription.	them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places, and for such periods as they may determine, and the stock-
	holders or a majority of them may at any time at any general meeting called after the organization of said corporation at their discretion reopen books of subscription to said capital stock un-
Organization.	til the same as herein limited is wholly taken.
	SEC. 4. Whenever twelve thousand five hundred (\$12,500)
	dollars shall be subscribed and paid into the capital stock of said bank the before mentioned incorporators, or any three of them,
Directors.	may call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, and such stockholders may elect such directors, 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 Direc-
Officers.	tors 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 dur-
	ing their continuance in office or until their successors shall be elected or appointed by the said Board of Directors.
Corporate powers.	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 restrictions 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, farmers, manufacturers, 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 cotton, tobacco, wheat, corn, peanuts, potatoes, oats or any other articles 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, firms, and individuals upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as allowed by the laws of the State, and may take and receive such interest at the time of making such loan or at such times as may be agreed upon; 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.

Voting power.

Corporate powers,  
loans, etc.

Crop liens.

Mortgages, etc.

Storage.

Corporate powers.

Interest.

Bond issues.

SEC. 7. The said bank may purchase and hold property, real and personal or mixed, and such as may be conveyed to it to

May purchase  
and hold  
property.

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 reinvest the proceeds thereof as it may deem best.

Deposits of minors or feme coverts, how withdrawn.

SEC. 8. That whenever any deposit shall be made by any minor or feme covert to said corporation, it may, at its discretion, 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.

Result of and procedure on failure of stockholder to pay for stock.

SEC. 9. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of 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 the said corporation or of the residence of the said delinquent, or entire stock of said delinquent may be sold in the town of Fremont 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 delinquents 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.

Agent, factor or trustee.

SEC. 10. That said bank 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 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 are not prohibited by law.

Right to endorse or guarantee payment, etc.

Compensation.

Special deposits.

SEC. 11. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, cer-

tificates of stock, bonds, evidence of debt, instruments of title, and all other things of value 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 as private individuals in the same capacity.

Compensation.

May act as trustee, executor, guardian, etc.

Powers and restrictions as such.

SEC. 12. No stockholder shall be in anywise 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 depositors or other creditors of said bank beyond the forfeiture of his stock.

Stockholders' liability.

SEC. 13. Said bank is fully authorized and empowered to organize in connection with its general banking business for the convenience of small depositors a savings department, 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 shall be in nowise considered separate and distinct from said corporation, but in all respects a part and parcel thereof, and regulated by the provisions of this act, and to the savings department the bank itself shall be liable for their final payment as to its general depositors and creditors, and may receive deposits from minors without guardians or married women, and pay same upon their checks or receipts, which shall be valid.

Savings bank department.

Interest.

Deposits of married women and minors.

SEC. 14. That said corporation shall have all the power, rights and privileges granted to any bank or banking institution now doing business in this State, together with the rights, powers and privileges incident or belonging to corporations as set forth in the laws of this State.

Corporate powers.

SEC. 15. That the bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignities.

Stock lien.

Bonds of officers. SEC. 16. That the Board of Directors require the officers of said bank to give bond for the faithful performance of their duties.

SEC. 17. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1901.

#### CHAPTER 34.

### AN ACT TO INCORPORATE THE COMMERCIAL BANK OF RUTHERFORDTON, OF RUTHERFORD COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

- Corporators. SECTION 1. That T. B. Twitty, J. F. Flack, Jno. C. Mills, W. S. Griffin, J. H. Wood, Mrs. M. S. Bynum, S. B. Tanner, R. R. Haynes, M. H. Justice, Mrs. M. H. Justice, C. L. Miller, all of Rutherford County, and E. J. Justice and J. L. Morgan, of McDowell County, together with such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate for the purpose
- Corporate name. hereinafter mentioned under the corporate name of "The Commercial Bank of Rutherfordton," and by that name they may
- Corporate powers. sue and be sued, plead and be impleaded, appear, prosecute, and defend in any Court of law and equity whatsoever, and in all suits and actions; contract and be contracted with; may have and use a common seal and the same alter at pleasure; shall
- Corporate existence. 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.
- Capital stock. SEC. 2. That the capital stock of the company shall be ten
- Shares. thousand dollars, divided into 100 shares of the par value of
- Increase of capital stock. \$100.00 each, with the privilege of increasing the capital stock from time to time to an amount not to exceed the sum of thirty-five thousand dollars.
- Corporate powers. SEC. 3. That the said corporation shall have the 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, receive deposits of money, or other property as evidences of debt from corporations, minors without guardian, apprentices, feme 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
- Interest. 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 corporations 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. Corporate powers.

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 own property.

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

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 charter. When to commence business.

SEC. 7. That until the first day of January, 1902, T. B. Twitty shall be and act as president; J. F. Flack, cashier, and S. B. Tanner, R. R. Haynes, J. C. Mills, M. H. Justice, E. J. Justice, J. L. Morgan, T. B. Twitty and J. F. Flack, directors, and on Tuesday after the first Monday of January, 1902, the incorporators and subscribers to the capital stock of said corporation shall meet in the city of Rutherfordton, 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, or amounts, to be fixed by them, conditioned upon the faithful discharge of their duties as officers. Officers.

Upon breach of said bonds, this corporation may sue the principal and sureties or either of them and recover the damages sustained. Election of officers.

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

By-laws.

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 the 30th day of January. A. D. 1901.

#### CHAPTER 35.

#### AN ACT TO INCORPORATE THE BANK OF RANDLEMAN.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That J. Elwood Cox, S. Bryant, C. L. Lindsey, S. G. Newland, N. Newland and J. H. Cole and their associates, successors and assigns, be and they are hereby created and constituted a body corporate under the name, style and title of "The Bank of Randleman," whose place of business shall be Randleman, North Carolina, and shall be able and capable in law to have and use a seal, the same break, alter and renew at pleasure, to sue and be sued, to plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, stocks, goods, chattels, and effects of whatever kind, nature or quality, whether real, personal, or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit, or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, sell, devise, convey, assure, transfer, alien, pay, release, and dispose of for the whole or any less estate or property than they have in the same; and also, to improve and augment the same in such manner and form as the said company by its by-laws and regulations shall direct, and shall and may apply the rents, issues, incomes, interest and profits of such estate, and the moneys arising from the sale, alienation, disposal or employment thereof, to the uses, ends and purposes of their creation and institution according to the rules, regulations and orders of the company, as fully and effectually as any natural person or body politic or corporate within this State can or may do or perform. The said company shall have power to make, ordain or establish and put into execution such by-laws, ordinances and regulations as shall to it hereafter seem meet or convenient for the government of such corporation not being contrary to the Constitution and laws of this State or the United States, and generally to do and execute all and singular such acts, matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.
Corporate name.	
Place of business.	
Corporate powers.	
May hold and dispose of property.	
May make by-laws, etc.	



SEC. 2. That said corporation shall have the right to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities, to loan money to or receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and females covert, or other persons, on such terms and time and manner of collection and payment as may be agreed on by the parties; and for the use and loan of money may charge not exceeding six per centum per annum, and may take and receive such interest at the time of making said loan or otherwise, free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other State or Territory, or of the United States, or of any corporation organized under the laws of this or any other State or Territory or of the United States; and to make such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; to elect such officers as they see fit and prescribe their duties, compensation, and term of service.

SEC. 3. That said corporation shall be and is hereby authorized and empowered to receive and keep and deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds, notes, evidences of debt, dues, muniments of title or any other valuable papers of any kind, or any other article or thing whatsoever, which may be left or deposited for safe keeping with said company, and shall be entitled to charge, demand and receive such commissions or compensation therefor as may be agreed upon; and for the complete preservation and safe keeping thereof may construct, erect, and purchase such fire and burglar-proof building, vaults, iron and composition safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe keeping and preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital or funds as may be deposited with said company for that purpose from time to time in such stocks, bonds and securities as may be regarded as advantageous and desirable; they shall have power to receive and hold on deposit and in trust, and as security, estate, real, personal and mixed, including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them.

Special deposits.

Trusts and securities.

May act as trustee.	SEC. 4. That said corporation shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to them with their consent by any person whomsoever, corporation, or by any Court in this or any other State or Territory or of the United States; and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases.
Executors' deposits, etc.	SEC. 5. That any executor, administrator, guardian, receiver, or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said company.
Capital stock. Shares. Increase of capital stock.	SEC. 6. That the capital stock of said corporation shall be ten thousand dollars, divided into four hundred shares of twenty-five dollars each, which said capital stock may be increased at any time or from time to time by the vote of the majority of the stockholders to any sum not exceeding one hundred thousand dollars. If said stock shall be increased to an amount exceeding ten thousand dollars it may thereafter by a vote of a majority of stockholders be decreased to ten thousand dollars if the stockholders shall desire. The corporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable or responsible for any of the debts, liabilities, obligations, engagements, contracts or torts of the company except to an amount equal to the stock held by each stockholder. When ten thousand dollars of the capital stock is subscribed and paid in, the corporators named herein, or a majority of them or their assigns, shall be deemed and held ready and capable to organize, which they shall do by electing a Board of Directors to consist of not less than five nor more than fifteen, who shall serve for one year or until their successors are elected and qualified unless it is otherwise provided in and by the by-laws adopted at said meeting, and these directors so chosen shall proceed to elect a president, whose term shall expire at the expiration of the term of said directors, unless the by-laws otherwise provide, and said Board of Directors shall elect at such time as they see fit a first vice-president and such other officers as they think necessary, and increase or diminish the number of said officers at pleasure; and no person shall be elected director, president, or vice-president unless he is a stockholder in said corporation; and the directors shall require of the subordinate officers such bonds and security for the honest and faithful discharge of their duties as they may order, and may require such bonds of the president if they may see fit to do so.
Stockholders' liability.	
Organization. Directors. Term of office.	
Other officers.	
Official bonds.	

SEC. 7. That said corporation shall have and is hereby granted Guaranty powers, power and authority to guarantee the payment of principal and interest of notes, bonds, bills of exchange, acceptances, checks and other securities or evidences of debts including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation, and to charge and receive for any guaranty such compensation as may be agreed on by the parties, and may take and receive interest at the time of making said transaction, or at any other time

SEC. 8. Whenever any deposit shall be made by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor, and free from all control or lien of any person except creditors, and shall be paid to the persons in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be valid and sufficient release and discharge for such deposit, or any part thereof, to the corporation; and whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing duly attested to the company in the event of the death of the trustee, the said deposit or any part thereof may be paid to the person for whom the deposit was made.

Management of deposits of minors and married women.

Trustees' deposits.

SEC. 9. Whenever any real estate or personal property upon which the company may have a lien of any kind shall be exposed to sale under authority of law, the president of this company may purchase the same for and on behalf of the company, and such purchase though made at a sale by the company as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

May purchase and hold property sold as security.

SEC. 10. The corporation may hold, retain and charge the stock in said bank of any person indebted to it with the amount of such indebtedness and may sell said stock in order to pay off and discharge the said indebtedness.

Indebtedness of stockholder, lien on his stock.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 30th day of January, A. D. 1901.

## CHAPTER 36.

AN ACT TO INCORPORATE THE SOUTHPORT AND NORTH-  
WESTERN RAILROAD COMPANY.*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That C. C. Pridgen, E. B. Wright, J. A. Brown, J. B. Schulken, R. E. L. Brown, J. S. Armstrong and J. H. Chadbourn, Jr., their associates, successors and assigns, are hereby constituted and created a body politic and corporate by
Corporate name.	the name of the Southport and Northwestern Railroad Company, and by that name and style they and their successors and as-
Corporate exist- ence.	signs shall have succession for ninety-nine years, and shall have
Corporate powers.	power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any Court or Courts of competent jurisdiction in this State or elsewhere; shall have a common seal which it may use and break at pleasure, and they and their successors and assigns by the same corporate name and style shall have the power to purchase, hold and convey lands, tenements, goods and chattels whatsoever, and shall have the power to make such by-laws and regulations consistent with the laws of this State and the United States for their own government and for the due and orderly conducting their affairs, and the management of their property.
Power to con- struct railroad.	SEC. 2. That the said company shall have the right to construct and maintain a railroad to be used and operated by
Location.	steam from some point on the Carolina Central Railroad between the towns of Lumberton and Bladenboro and extending through the counties of Robeson and Columbus and Brunswick
Terminal.	with its terminal point at Southport or at some point between Southport and the South Carolina line; or the said company may construct and maintain its said railroad beginning at some point on the Wilmington, Chadbourn and Conway Railroad, between the towns of Whiteville and Mount Tabor, and extending through the counties of Columbus and Brunswick, with its terminal point at Southport, or at some point between Southport and the South Carolina line; and it may establish such gauge for said road as they may think proper.
Capital stock.	SEC. 3. That the capital stock of said company shall be one
Power to increase.	hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars. It shall be divided into
Shares.	shares of one hundred dollars each and be transferable upon the books of said company as the by-laws may direct.
Subscription books.	SEC. 4. That a majority of the corporators herein named may cause books of subscription to the capital stock to be opened at

such times and places, and under such supervision as they may determine; and to that end three of the said corporators may by ten days' notice in any newspaper published in Columbus County cause a meeting of the said corporators to be held in the town of Chadbourn.

SEC. 5. That as soon as the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be lawful for such stockholders or subscribers, or a majority in interest thereof, to organize said company in accordance with the provisions of this act, and to elect a Board of Directors of not less than three nor more than seven persons, a majority of whom shall be necessary for the transaction of business, and who shall hold their office for one year and until their successors shall be elected and qualified; and the directors chosen at said meeting and annually thereafter shall elect a president, secretary and treasurer, and such other officers, who shall hold their offices during the pleasure of the said Board of Directors, subject to such rules and by-laws as may be adopted for the government of the said company; and the said Board of Directors may fill any vacancy in any of said offices caused by the death, resignation, or otherwise, for the remainder of any unexpired term therein, that at all elections for the said directors each share of stock represented in person or by proxy shall be entitled to one vote; the meetings of stockholders shall take place as provided for in said by-laws.

Organization.

Directors.

Term of office.

Officers.

Term of office.

Vacancies.

Election

Voting power of stock.  
Stockholders' meeting.

SEC. 6. That the Board of Directors shall, as soon after their organization as possible, proceed to locate and have constructed said railroad on the route they may find most practicable.

Time for location and construction of road.

SEC. 7. That it shall be lawful for the said directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling or laying out the route of said railroad, and of locating the same, and to do and to erect all necessary works, buildings, and appendages thereon, doing no unnecessary damage to private property; and when the route of said railroad shall have been determined upon, and a survey of the same deposited in the office of the Secretary of State, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, and others in their employ, to enter upon, take possession of, hold, have, use and excavate any such lands, and erect all works necessary and suitable for the completion or repairing of said road, subject to such compensation as is hereinafter provided: *Provided always*, that the payment, or tender of payment, of all damages for the occupancy of all lands through which the said railroad may be laid out, be made before the said company shall enter upon or break

Rights of eminent domain.

Tender of payment.

ground upon the premises, except for surveying or laying out said road, unless the consent of the owners thereof be first had and obtained.

Method of condemnation, and valuation of property.

SEC. 8. That when any land or right of way may be acquired by said company for the purpose of constructing its road, and for the want of agreement as to the value thereof, or for any other cause, the same can not be purchased from the owner, the same may be taken at a valuation to be made by three commissioners, or a majority of them, who shall be appointed by the Clerk of the Superior Court of the county in which said land or right of way, or the greater part thereof, is located after ten

Considerations in valuation.

days' notice to all parties interested. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the increased value of the land, or special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may occur in any way whatsoever by the establishment of said railroad or works, and shall state particularly the value and amount of each, and excess of the loss and damage over and above the advantage: *Provided,*

Report.

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

Owners' right of appeal.

Proceedings of commissioners a record.

Duration of right of way, etc.

that the valuation provided for in this section shall be made on oath by said commissioners, which oath may be administered by any Superior Court Clerk or Justice of the Peace: *Provided further,* that the right of condemnation herein granted shall not authorize the said company to remove the dwelling house, yard, garden, or burial ground of any individual without consent of the owner.

Oath of commissioners.

Condemnation right restricted.

Extent of right of way, etc.

SEC. 9. That the right of said company to condemn land in the manner aforesaid shall extend to sixty feet on each side of

the main track of the road, measuring from the centre of the same, except that the said company in condemning and appropriating land for the constructing and building of depots, warehouses, shops, and other necessary buildings, may condemn and appropriate two hundred feet from either side or both sides of said road, measuring from the centre of the track, so as to include two acres of land, but not more.

SEC. 10. That all lands not heretofore granted to any person, or which is now subject to grant by the State, lying within sixty feet of the centre of said road shall vest in the said company so soon as the line is definitely laid out through it, and any grant of said land thereafter shall be void.

Title to State  
lands to vest,  
when.

SEC. 11. That the said directors of said company shall have the right to demand and recover such prices and sums for fare and transportation of freights, produce and merchandise, as may be authorized and fixed by the said company, not inconsistent with the laws of this State, and may lease and farm out such rights to any person, company or corporation whatsoever: *Provided*, that the said company shall prorate the freight and travel upon mutually reciprocal terms with the company, owners or operators of any other railroad in this State with which it may connect.

Freight and pas-  
senger fares, etc.

SEC. 12. That the said company is authorized, if it be found necessary for the construction, improvement or keeping in repair of said road, to borrow money and to issue coupon bonds of such denomination and value, bearing interest, and payable at such times and places as the said Board of Directors may determine, and such other evidences of indebtedness as the said Board of Directors may determine, and to secure the payment of these bonds and other evidences of debt issued as aforesaid and the interest thereon the said Southport and Northwestern Railroad Company may execute and deliver mortgage or deed or deeds in trust, signed by the president and countersigned by the secretary of said company, conveying its franchise and property, including its road-bed, superstructure, choses in action and real and personal estate of whatever kind, to the holder of said bonds or to such person as the said directors may select, in trust for them.

Power to issue  
and secure bonds.

SEC. 13. That the said company shall have the right to construct and operate telegraph lines and telephone lines on its said right of way.

Telegraph and  
telephone lines.

SEC. 14. That this charter is granted upon conditions that any railroad company heretofore or that may be hereafter chartered by the State shall have the right to connect with said railroad, and to the interchange of traffic upon mutually agreed terms.

Rights of other  
companies to con-  
nect.

Commencement  
of construction.

SEC. 15. That the construction of said road shall be commenced within three years from date of this act.

Branch lines,  
tramways, etc.

SEC. 16. That the said company shall have the right to construct and operate lateral or branch railroads or tramways of any desired gauge, not exceeding twenty-five miles in length, which shall have all the rights and powers, and be subject to all the restrictions of the main line.

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 37.

### AN ACT TO INCORPORATE THE BANK OF PLYMOUTH, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That W. T. Old, A. Beaman, L. H. Hornthal, James B. Blades, C. Hardy, C. H. Rae, W. H. Hampton, L. P. Hornthal, L. D. Starke, Jr., E. L. Woodard, W. C. Ayers, C. D. Loane, L. S. Landing, S. Parker, J. W. Branning, J. H. Leggett, A. R. Dupree, E. B. Norman, Thomas Cheers, E. D. Carstarphen, and Clarence Latham, their associates, successors and assigns, are hereby created a body corporate under the name, style and title of the

Corporate name,

Corporate powers,

Bank of Plymouth; and by that name shall be able and capable in law to have and use a seal, the same to break, alter, or renew, at pleasure; to sue and be sued; to plead and be impleaded; and are hereby made capable in law and able to have, purchase, receive, take, hold, possess, enjoy, and retain, to them, their successors and associates, lands, rents, tenants, hereditaments, stocks, goods, chattels, and effects of whatever kind, nature or quality, whether real or personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyancing or transferring whatever; and the same to give, grant, sell, convey, assigns, transfer, alien, pay, release and dispose of for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said corporation by its by-laws and regulations shall direct; and may apply the issues, income, interest and profits of such estate and the moneys arising from the sale, alienation, disposal or employment thereof, to the uses, ends, and purposes of their creation and institution according to the rules, regulations and

May hold and  
dispose of  
property.



orders of the corporation as fully and effectually as any natural person or body politic or corporate within this State can or may do or perform.

SEC. 2. The said corporation shall have, locate, establish and maintain its principal office, banking house and place of business at Plymouth North Carolina, and shall have power to make, ordain or establish and put into execution such by-laws, ordinances and regulations as shall seem meet and convenient for the government of such corporation not contrary or repugnant to the Constitution and laws of this State or the United States, and generally to do and execute all and singular such acts, matters and things which to the said corporation may appertain and be necessary to the purposes thereof

Principal office.

By-laws, etc.

SEC. 3. That said corporation shall have the right to receive and pay out the lawful currency of the United States, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities, to loan money to or to receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors, and feme coverts or other persons, on such terms and times and manner of collection and payment as may be prescribed by this act, or by the by-laws or as may be agreed on by the parties; and for the use and loan of money may charge (not exceeding the rates allowed by the general laws of the State) the rate agreed on with the other party, and may take and receive said interest at the time of making said loan or otherwise, free from all other control, contract or liability whatever, to invest in the stocks, bonds or other securities of this or any other State or Territories, or of the United States, or of any corporation organized under the laws of this or any other State or Territory or of the United States, and to take such real, personal or mixed property upon such terms, trusts or conditions for the security and payment of money loaned, advanced or expended, as may be considered expedient and beneficial.

Corporate powers and purposes.

Corporate powers.

Interest rate.

Corporate powers.

SEC. 4. That said corporation shall be and is hereby authorized and empowered to receive and keep and deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificate of stock, bonds, notes, evidences of debt, dues, muniments of titles or any other valuable papers of any kind or any other article or thing whatsoever, which may be left or deposited for safe keeping with said corporation, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe keeping thereof may construct, erect and purchase such fire and burglar-proof building, vaults, iron and composition safe or other means which may be or become neces-

Special deposits.

Power of investment thereof.

Securities, powers in regard thereto.

Power to accept and execute trusts.

Compensation.

Guaranty power.

Management and control of deposits by married women, minors, etc.

sary and generally to transact and perform all business relating to such deposit and safe keeping and preservation of all such articles or valuables as may be deposited with said company: and also to invest the capital or funds so deposited with said corporation for that purpose from time to time in such stocks, bonds, and securities as may be regarded as advantageous and desirable; they shall have right and power to receive and hold on deposit and in trust, and, as security, estate, real, personal and mixed, including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of and upon such terms as may be agreed upon between them and the parties contracting with them.

SEC. 5. That said corporation shall be and is hereby authorized and empowered to accept and to execute trusts of any kind and every description which may be committed or transferred to it with its consent by any person whomsoever, by any corporation, or by any Court in this or any other State or Territory, or of the United States, and for its service shall receive all such usual and customary fees, emoluments, charges as are allowed individuals in like capacities and like cases; and that any executor, administrator, receiver, guardian, commissioner or other trustee or any public officer of this State, or any county in this State, having the care, custody or control of any bonds, stocks, sureties, moneys or other valuable things whatsoever, shall be and are hereby authorized and empowered to deposit the same generally or specially with said corporation and the same may be used, managed, controlled and invested by said corporation as other deposits.

SEC. 6. That said corporation shall have and is hereby granted power and authority to guarantee the payment of principal and interest of notes, bonds, bills of exchange, acceptances, checks and other securities and evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation and to charge and receive for any guaranty such compensation as may be agreed on by the parties, and may take and receive interest at the time of making said transaction or at any other time.

SEC. 7. That whenever any deposit shall be made by or in the name of any person, being a minor, or a female being or thereafter becoming a married woman, the same shall be held free from all control or lien of any persons except creditors, and may be paid to the persons in whose name the deposit shall have been made, and the same may be withdrawn on their check, draft or other order, and they and all other persons shall be bound by

such check, draft or order, and the same be an absolute release and discharge of said bank from liability therefor, and whensoever any deposit shall be made by any person in trust for another and no other and further notice of the existence of a legal and valid trust, and of the terms thereof, shall have been given in writing duly attested to the said bank in the event of the death of the trustee, the said deposit or any part thereof may be paid to the person for whom the said deposit was made.

Trust funds on deposit.

SEC. 8. That whenever any real or personal property upon which this corporation may have a lien of any kind shall be exposed to sale under authority of law or pursuant to any power contained in the contract or instrument creating such lien, the president of the corporation shall be and is hereby vested and clothed with the right and power in law to purchase the same for and on behalf of the said corporation, and such purchase though made at a sale by the said corporation as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

May purchase and hold property sold as security.

SEC. 9. That all rights, privileges, duties, immunities and obligations appertaining to banks by virtue of chapter four of volume two of The Code of North Carolina and of the general laws of this State governing banks, shall, in all respects, apply to and is hereby granted to this corporation.

State banking laws applicable to this corporation.

SEC. 10. That the capital stock of the said corporation shall be twelve thousand five hundred (\$12,500.00) dollars divided into shares of one hundred (\$100.00) dollars each, and the same may be from time to time increased by a vote of two-thirds of the said stock then existing, to fifty thousand (\$50,000.00) dollars.

Capital stock.

Shares.  
Increase of capital stock.

SEC. 11. That the business of said corporation shall be controlled and managed by a Board of Directors of not less than five nor more than nine as the stockholders may decide, which board shall be elected by the stockholders at their annual meeting on the third Thursday of each January, beginning with January, 1901, and the said directors so elected shall hold their office for the term of one year and until their successors are elected and qualified. The said Board of Directors shall meet according to the by-laws of the said corporation and a majority of them shall constitute a quorum for the transaction of any and all business, and as soon after their election as practicable, shall meet and elect from among themselves a president and a vice-president of the bank, who shall hold said office for one year and until their successors are duly elected and qualified; and the said Board of Directors shall also elect a cashier, and other officers, such as the said board may deem needful and necessary, who shall hold their offices during the pleasure of the

Directors.

Election, time and method of.

Term of office.

Quorum.

Officers.

Bonds of officers.	said board. The president, the cashier, teller and all clerks shall be required to give bonds in such sums as to the said Board of Directors may be deemed proper.
Savings bank department.	SEC. 12. That the said corporation is authorized and empowered at the pleasure of its business managers to organize and establish in connection with its general business of banking a department for savings and to do a savings bank business for the convenience and advantage of small depositors, and to make and enforce regulations in regard thereto, and in that case said bank may, if it elect, receive deposits in the savings department and issue certificates therefor and pay such interest as its directors may authorize, not exceeding the rate prescribed by the general law.
Lien on stock for amount due thereon.	SEC. 13. That in case any subscriber to any stock of this corporation already issued or subscribed or hereafter issued or subscribed shall fail to pay for his said stock or any part thereof or in case any assigner of any such stock or any other authorized or legal holder thereof, shall fail to pay for the same when due, the said corporation is hereby authorized and empowered either to sue such owner or holder for the recovery of the amount due, or to sell the said stock by public sale at the banking house of the said corporation, first giving thirty (30) days' notice of such sale and due notice to the holders of such stock and the amount realized at such sale shall be applied to the payment of the cost and sale, the amount remaining due and unpaid for such stock and entered on same and any balance to the owner of such stock; and if the amount realized be insufficient to pay the balance due, then such balance may be recovered by suit against such subscriber.
Enforcement.	
Notice.	
Application of proceeds.	
Stockholders' liability.	SEC. 14. That the corporators and stockholders of the said corporation and their successors and assigns shall not be individually or personally liable or responsible for any of the debts, liabilities, obligations, engagements, contracts or torts of the said corporation, except to an amount equal to the stock held by said corporator or stockholder.
Failure to hold annual meeting, etc.; may be done subsequently.	SEC. 15. That if for any cause any annual meeting or any other meeting of the directors shall not be held as herein provided, or being held any duty required to be then done be not done, such omitted meeting may be subsequently held and such duty then or thereafter performed.
Stock, how transferred.	SEC. 16. That no stock held in this corporation shall be transferred except on the books of the said corporation, the holder of such stock being either present in person, or by written power of attorney; and no stock shall be transferred by anyone indebted to said corporation until such indebtedness has been

fully paid, without the consent of the Board of Directors in meeting expressed, and any such assignment without such consent is hereby made void and of no effect to pass the said stock as against the said bank; and any and all stock shall be liable for all debts due by such stockholders into whosoever hands they may be and shall be subject to a lien for such indebtedness; and said lien may be enforced by civil action against the holder of such stock.

Assignment of stock unpaid for road.

SEC. 17. That all acts and business heretofore performed by the said corporation in the management and control of said bank and its interests, any organization they may have effected and any and all officers and any and all contracts they may have made are hereby declared valid and duly authorized in the same manner and with the same force and effect as if the same had been done under the authority of this act.

Corporate business heretofore transacted, validated.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 38.

#### AN ACT TO AMEND AND ENLARGE THE CHARTER OF THE CLEVELAND COTTON MILLS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Cleveland Cotton Mills, which was duly incorporated before the Clerk of the Superior Court of Cleveland County, under articles of association bearing date the 10th day of January, 1888, and filed the 23d day of January, 1888, in said office, and in pursuance of, and in compliance with, chapter 16, volume 1, of The Code of North Carolina, which chapter is entitled "Corporations," shall have, possess and enjoy, and may use, exercise and employ, in addition to all the powers, privileges, purposes and rights, which said corporation acquired, because vested with, and succeeded to, by virtue of its incorporation as aforesaid, and its articles of association, the powers, privileges, rights and purposes hereinafter set forth: that the powers, rights and privileges given to and granted the Cleveland Cotton Mills by this act, are construed as an addition to and an enlargement of the powers, rights and privileges acquired by and vested in said Cleveland Cotton Mills by its original articles of incorporation and articles of association, and that if there is any conflict between these powers, rights and privileges, then

Corporate powers, etc., of Cleveland Cotton Mills, enlarged.

If powers conflict, this act to prevail.

Corporate existence.	such as are granted by this act are to prevail; that the Cleveland Cotton Mills 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, and those given, granted and bestowed upon it by these amendments and this act, for sixty (60) years from the ratification of this said act.
Principal office.	SEC. 2. That the principal office of said corporation shall be at Lawndale, in Cleveland County, North Carolina, but it may establish and maintain branch offices, agencies, factories, depots, warehouses, stores and works anywhere in the United States or elsewhere that its directors may deem advisable.
Branch offices, agencies, factories, etc.	
Increase of capital stock.	SEC. 3. That the majority of the stockholders in said Cleveland Cotton Mills shall have the authority at any time, and from time to time, to increase the capital stock of said corporation to any amount not exceeding, in the aggregate, five hundred thousand dollars, divided into shares of the par value of one hundred dollars each.
Shares.	
Stockholders' individual liability.	SEC. 4. The corporators and stockholders of said corporation and their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations or engagements of said corporation.
Issuance of capital stock.	SEC. 5. That no certificate of stock shall be issued unless the par value thereof be fully paid, and when any certificate of stock shall have been issued, no assessment shall be made thereupon.
Non-assessable.	
Corporate powers.	SEC. 6. That said corporation may buy, lease, exchange, hold, sell and convey, real and personal property at its will and pleasure: it may contract, build and erect such buildings, works and improvements upon property of its own, or others, by their permission, as may be deemed proper and may equip, operate and maintain the same; it may, in any way it may desire, manufacture, handle and deal in cotton, wool, jute, hemp, silk, or any other textile, either singly or in combinations of two or more of them; it may buy, sell and exchange goods, wares and merchandise of all kinds; it may purchase, lease, use and maintain any works or improvements connected, or intended to be connected with the works and improvements of said company; it may consolidate or unite with any other company now created, or hereafter to be created, under the laws of this State, or any other State, retaining its own name, or that of the company united or consolidated with; by a vote of those holding its outstanding share capital; it may at any time, or from time to time change its name; it may borrow money, and as security therefor it may issue its notes, bonds or other obligations, and if deemed advisable, secure the payment of same by a mortgage or deed of trust upon its franchise and property, or any part of it;
May change name.	
Bonds.	

it may acquire, hold, own and enjoy stock in the capital of any company now in existence, or hereafter to be created under the laws of this State, or any other State or country; and stock in its capital may be owned, held and enjoyed by any company now created, or hereafter to be created; it may maintain saw-mills, planing-mills, dry-kilns; it may acquire, manufacture, hold and sell all kinds of machinery; it may manufacture, buy and sell sash, blinds, doors and everything of whatever nature or kind that is made from lumber; it may conduct, in all of its branches, the business of carrying on and operating flour and grist mills; it may conduct and carry on in all of its branches a general mercantile business.

May own stock of other companies.

Corporate powers.

SEC. 7. That for the more successful operation of its business as aforesaid, and for its convenience in the transmission of freights, said corporation is hereby given the right and power to locate, construct, equip, maintain and operate a railroad, or any part thereof, with one or more tracks, of such gauge as it may select, which gauge may be changed at any time from the town of Shelby, county of Cleveland and State of North Carolina, and thence across First Broad River in Cleveland County, or from some point on or near west bank of First Broad River, about two miles west of Shelby, connecting with the Carolina Central Railroad, or the S. C. & G. Extension Railroad, or both of said roads; and thence up on the west side of First Broad River to the Cleveland Cotton Mills at Lawndale, in said county of Cleveland, and from thence to Casar, in said county of Cleveland; and also from the town of Shelby, or from aforesaid point two miles west of Shelby; and thence in a southerly direction to Sticor's Shoal, in said county of Cleveland; and it may also construct, maintain and operate such lateral and branch lines running out from the main line aforesaid, not exceeding ten miles in length, as may be necessary and advantageous to the extension and successful operation of its business as aforesaid, and said corporation may erect such depots, offices, shops and other buildings, structures, fixtures and appliances as are necessary and proper for conducting the business of said railroad line.

Power to build and operate railroads.

Location and termini.

Branch lines.

SEC. 8. That said corporation may acquire by lease or purchase, the railroad, franchise, and property of any other railroad now constructed or that may hereafter be constructed along the line or route described in section 7 foregoing, and in case of such purchase, the railroad, franchise, and property so purchased shall be held, owned and enjoyed by this corporation as though said purchased road, or roads, had been originally constructed under this charter. Any of the powers and transactions conferred and authorized by this section, may be authorized and

May acquire other roads.

exercised by the directors of the corporation concerned, or by the owners of the properties concerned in such manner and on such terms as the stockholders or owners may determine.

Telegraph and  
telephone lines.

SEC. 9. That the said corporation shall have full power to locate, construct, equip and operate telephone lines, or telegraph lines, along the line of its road, with full power as herein given, for the construction and operation of the said railroad; make such traffic arrangements with other telephone or telegraph lines as it may deem necessary, not inconsistent with the laws of the State of North Carolina, and may charge for the use of said line or lines, such tolls as said corporation may fix not inconsistent with the laws of the State of North Carolina.

Power and com-  
pensation for  
transportation.

SEC. 10. That said corporation shall have the right to carry over the line of road aforesaid, for itself, all kinds and manners of freights, and that said corporation may contract with any other company, person, firm or corporation, whose manufacturing plant is situated on, or near, its line of railroad aforesaid, to carry its, his, or their goods, machinery, mill products, merchandise, or other freights, and may charge therefor such sum as said corporation and the said company, person, firm or corporation may mutually agree upon, and the said corporation may carry wood, timber, fertilizers, and other freights over its line of road for any person, firm or corporation and charge therefor such sum as may be mutually agreed upon, without be-

To become com-  
mon carrier,  
optional.

coming a common carrier; that the said corporation, in the use of its railroad line aforesaid, need not become a common carrier of freights and passengers unless it so elect; that if the said corporation shall desire to become a common carrier of freights and passengers, it shall have the power and authority to do so;

Notice.

but shall give notice of such intention by publishing same in some newspaper published in Cleveland County, and by filing a copy of said notice of such intention in the office of the North Carolina Corporation Commission; that said corporation may become a common carrier of passengers, upon giving such notice, without becoming a common carrier of freights, and may become a common carrier of freights, upon filing said notice, without becoming a common carrier of passengers; that said corporation, until it elects to become a common carrier and gives notice of its intention as aforesaid, shall by its acceptance and carriage of either passengers or freights, not thereby become a common carrier, but shall be as to same, a private carrier, and as to said carriage, be governed by the laws respecting private carriers.

May be common  
carrier of passen-  
gers and not of  
freights, and vice  
versa.

When constituted  
common carrier.

SEC. 11. That all laws and parts of laws in conflict with this



act be and the same are hereby repealed in so far as they conflict with this act. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 39.

### AN ACT TO AMEND THE CHARTER OF THE FRIES MANUFACTURING AND POWER COMPANY.

WHEREAS, The Fries Manufacturing and Power Company, a corporation organized by special act of the General Assembly of North Carolina, ratified February 28, 1891, chapter 592, of the Public Laws of 1891, now owns and controls the capital stock and other properties of the Winston-Salem Railway and Electric Company, a corporation organized by special act of the General Assembly of North Carolina, ratified January 24, 1891; and, Preamble.

WHEREAS, For the convenience of the owners, and in the interest of the public, it is desirable that the franchises and powers of the Winston-Salem Railway and Electric Company, together with all of its properties, shall be owned, controlled and operated under the charter and name of The Fries Manufacturing and Power Company;

*The General Assembly of North Carolina do enact:*

SECTION 1. That in addition to the powers, rights and franchises heretofore given to The Fries Manufacturing and Power Company by its charter, and had by it under the general laws of North Carolina, The Fries Manufacturing and Power Company shall have all the rights, powers and franchises of the Winston-Salem Railway and Electric Company, and such other rights, powers and franchises as shall hereafter be given it in this act. Powers, etc., of the Fries Manufacturing and Power Company, enlarged.

SEC. 2 That The Fries Manufacturing and Power Company shall have right, power and authority to build, construct, own, equip with suitable rolling stock, and operate a tramway, or street railway on, through or over any or all of the streets of the towns of Winston, North Carolina, and Salem, North Carolina, or either of said towns, and the public roads in the vicinity of either or both of said towns; and to operate said tramway or street railway by electricity, steam, or animal power; to build, construct, place and control poles, wires, lines and other mechanisms and properties necessary to operate said railway; also, shall May own and operate tramways and street railways on streets of Winston and Salem and public roads in vicinity.

Rights of eminent domain. have the right, power and authority to condemn land necessary for the construction of its railway, under the terms and provisions provided for the condemnation of land by railroad companies set forth in The Code, volume 1, chapter 49, and acts amendatory thereof, as fully as if the provisions of The Code and amendatory acts were recited herein: *Provided*, that the powers granted in this section are subject to approval of authorities of the towns of Winston and Salem and county of Forsyth as the interest of each may be affected.

Powers subject to approval of town and county authorities.

May purchase, own and control franchises, etc., of Winston-Salem Railway and Electric Company.

SEC. 3. That The Fries Manufacturing and Power Company shall have right, power and authority to purchase, own and control all franchises, right, power and property of the Winston-Salem Railway and Electric Company, and to own, control and operate, under the charter of, and in the name of, The Fries Manufacturing and Power Company, the street railway system of the Winston-Salem Railway and Electric Company, as the same now exists or may be hereafter enlarged under the powers of this act: *Provided*, that the sale, transfer, or conveyance of said property or franchise of the Winston-Salem Railway and Electric Company to The Fries Manufacturing and Power Company by virtue of authority of this act, shall in no way effect or disturb any mortgage, deed of trust, or other conveyance heretofore made by the Winston-Salem Railway and Electric Company, and in force at the ratification of this act.

Prior conveyances not affected.

Property listed for municipal and county taxes.

SEC. 4. That all the physical properties of The Fries Manufacturing and Power Company actually located, situated or being in the city of Winston, shall be listed for municipal taxes in the city of Winston, and said corporation shall pay the taxes assessed thereon to the city of Winston. That all of the said properties actually located, situated or being in the town of Salem shall be listed for municipal taxes in the said town of Salem, and payment of all taxes assessed thereon shall be made to the town of Salem. That all of the property of the said company situated in Forsyth County shall be listed for State and county taxes in the township or townships in which it is respectively actually located or situated; all of which shall be subject to the rules, laws and regulations governing the listing, assessment, collection and payment of taxes provided under the general law except as inconsistent with the above provisions: *Provided*, that this act shall in no way effect the listing of the franchise of the company, or the payment of any tax in regard to the corporation franchise or stock, which shall be listed in the town in which its principal offices are located.

Listing of franchise or stock for taxes.

SEC. 5. That any person or persons, who, while on any of the cars, or within the buildings or in the parks or upon any premises

of The Fries Manufacturing and Power Company, shall indulge in any obscene or profane language or shall engage in any obscene, vulgar or indecent conduct; or any person or persons, who, after being forbidden by the conductors of the said Fries Manufacturing and Power Company, shall in any way overload, overcrowd or otherwise render unsafe any car or cars of the said company, or the passengers traveling on said car or cars, or any person or persons who shall in any way wilfully injure, deface, batter or scar any of its cars, buildings, bridges, platforms, seats, trolleys or other properties of said Fries Manufacturing and Power Company, shall for any and each of said different offences mentioned above in this section be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Persons guilty of obscenity on property of company, overloading cars, rendering unsafe cars or passengers, or wilfully injuring properties, guilty of misdemeanor.

Penalty.

SEC. 6. That section 12, beginning at the beginning of line fifteen (15) and reading as follows, "at such meeting the shareholders may choose not more than seven, or less than three persons, from among the stockholders as directors of the corporation, three of whom shall constitute a quorum," be stricken out and the following inserted: "That the Board of Directors shall be stockholders of the company and shall consist of such number as the by-laws shall prescribe, and said by-laws may also prescribe the number of directors which shall constitute a quorum."

Directors

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 40.

### AN ACT TO INCORPORATE WILMINGTON LODGE, NO. 532, BENEVOLENT AND PROTECTIVE ORDER OF ELKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Benevolent and Protective Order of Elks, Lodge No. 532, at Wilmington, North Carolina, is a charitable institution, and with a view to promoting the purposes for which it is to be incorporated, and establishing its cardinal virtues, charity, justice, brotherly love and fidelity, at the same time promoting literary and social intercourse among its members, and providing a suitable building, and furnishing the same for the meeting of its members and the entertainment of visitors to the city of Wilmington, and in order to carry into execution

Purposes and desires of Benevolent and Protective Order of Elks Lodge, No. 532, Wilmington, N.C.

its commendable purposes, and to secure in permanent perpetuity so praiseworthy an institution, its members desire a corporate existence.

**Corporators.**

SEC. 2. That H. J. Gerken, W. J. Bellamy, Rev. Dr. James Carmichael, A. M. Waddell, C. T. Harper, Iredell Meares, H. McClammy, S. H. Fishblate, W. A. French, Jr., R. W. Wallace, Samuel Bear, Jr., Warren S. Johnson, W. F. Robertson, J. A. Arringdale, F. H. Stedman, J. W. Woolvin, R. C. DeRosset, John H. Gore, Jr., Thomas B. Carroll, John H. Sweeney, and others, who are associated with them in the organization referred to, and of which H. J. Gerken is Exalted Ruler; C. T. Harper is Esteemed Leading Knight; W. F. Robertson is Esteemed Loyal Knight; W. J. Bellamy is Esteemed Lecturing Knight, and Warren S. Johnson is Secretary, together with their future associates

**Created body corporate.**

**Corporate name.**

**Corporate powers.**

and successors, are hereby created and declared to be a body politic and corporate by the name of the Benevolent and Protective Order of Elks and by said name shall sue and be sued, plead and implead in any of the Courts of the State or elsewhere, and shall have a common seal and all the rights and privileges incident to and belonging to corporations under the laws of the State of North Carolina.

**Property exempt from taxes.**

SEC. 3. That said corporation may by purchase, devise, gift or bequest, take, acquire and hold such real estate and all such personal property of any nature, kind or description as may be deemed by its members necessary or in anywise conducive to the interest and purpose of said corporation, and to the comfort and convenience of its members, and may sell and convey the same at pleasure, and all such property so held by said corporation, both personal, real or mixed, of every kind and description, or which in any manner may be hereafter acquired by said corporation, shall be exempt from any State, city or county charge or tax whatever.

**Power to furnish refreshments.**

SEC. 4. That under the management of this corporation it shall have the power to furnish refreshments to its members, without profit to the corporation, but for the convenience of the members of the corporation, and for such refreshments so furnished the said corporation shall be exempt from the payment of any State, city or county charge or tax whatever.

**Exempt from taxation.**

**Individual liability.**

SEC. 5. That the members of this corporation shall not be liable individually or collectively for the debts of the corporation.

**Power to borrow money.**

SEC. 6. That the said corporation shall have power to borrow money and pledge its property to secure the payment of the same, but no money shall be borrowed for any purpose whatsoever unless authorized by a majority vote of its members present, in Lodge meeting, and not then unless it shall appear that

the members of the Lodge have been notified in writing by the Secretary of the Lodge at least ten days before the question shall come up before the Lodge for action. A postal card deposited in the post-office, addressed to the members stating the nature of the meeting, ten days before the meeting is held, shall be deemed a legal notice.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 41.

### AN ACT TO INCORPORATE THE CHAMBER OF COMMERCE OF WASHINGTON, NORTH CAROLINA.

WHEREAS, A. H. Dumay, Angus D. MacLean, Jonathan Havans, Preamble, and others, have formed themselves into an association in the town of Washington, Beaufort County, North Carolina, for the better promotion and regulation of trade and commerce and for the industrial improvement of said town; and,

WHEREAS, It is desired that said association shall become permanent;

*The General Assembly of North Carolina do enact:*

SECTION 1. That George F. Leach, A. M. Dumay, W. D. Grimes, Corporators, S. T. Nicholson, Jonathan Havans, Angus D. MacLean, John H. Small, W. B. Morton, S. R. Fowle, W. P. Baugham, W. B. Rodman, S. C. Bragaw, and their associates, and such other persons as may become members of said Chamber of Commerce, be and they are hereby constituted a body politic and corporate, to be known as and styled "The Chamber of Commerce of Washington, Corporate name, North Carolina," and shall have a common seal, and may plead Corporate powers, and be impleaded, acquire, hold and transfer property real and personal for the use and benefit of said association, and may make and erect by-laws and regulations for the purpose of governing and controlling the same, and may enforce the same by suitable fines and penalties, and may do and submit to all such other and further acts and things as may be proper, necessary and incident to the corporate existence of such association and the purposes of its organization.

SEC. 2. That it shall be lawful for said corporation to borrow May borrow money, money and to make, negotiate and dispose of its promissory notes, drafts, bonds or other evidences of indebtedness given for

Individual  
liability.

money borrowed; and to secure the payment of the same, or any of its obligations, may execute mortgages, deeds or other conveyances, or pledge its property and franchise, but the members of said corporation shall not be liable for its debts or obligations personally.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 42.

### AN ACT TO INCORPORATE THE HILTON RAILROAD AND LOGGING COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That W. L. Parsley, R. A. Parsley and such persons as may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the "Hilton Railroad and Logging Company," which shall have power to adopt a common seal and change the same at will, shall have the right to sue and be sued, plead and be impleaded in the Courts of the State, to contract and be contracted with, and shall be capable of taking by purchase, gift or otherwise, real and personal property, and of holding, leasing, conveying or in any other manner dealing with the same for the purposes hereinafter named, and the said corporation shall have and enjoy all rights and immunities which corporate bodies may lawfully exercise and may make all necessary by-laws and regulations for its proper government.

Capital stock.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars (\$20,000.00), one-half of which shall be preferred and one-half common, and divided into shares of one hundred dollars (\$100.00) each, with the power in said company to increase by a vote of the majority of the stock, the capital stock at any time to an amount not exceeding one million dollars (\$1,000,000.00) always maintaining the proportion of one-half preferred and one-half common stock. The net earnings of said corporation in any one year unless invested as provided below shall first go to the payment of dividends on the preferred stock and when that stock shall have received in any one year dividends amounting to six per centum per annum, then the remainder of said net earnings shall go to the payment of dividends on the common stock: *Provided*, that the dividends on the

Shares.

Power to increase  
capital stock.

Net earnings,  
how applied.

preferred stock shall be cumulative, and if in any one year the net earnings are not sufficient to pay a dividend of six per centum on said stock, then the unpaid arrears in said dividends shall be paid out of subsequent divisions of profit: *Provided further*, that after both the preferred and common stock shall have received in any one year dividends amounting to six per centum per annum then any surplus of net earnings shall be divided equally among preferred and common stock stockholders: *Provided further*, that the directors of said corporation shall have power to invest its net earnings, or any portion thereof, in timber lands or otherwise, as in their judgment would be advantageous and profitable to the corporation.

SEC. 3. That no stockholder shall be individually liable for the debts of the corporation. Individual liability.

SEC. 4. The said corporation shall have full power to accept, buy, hold, lease, sell and otherwise acquire and dispose of real and personal property of all kinds, to build, construct and otherwise acquire and operate saw and planing-mills, dry-kilns, turpentine distilleries and other manufactories, to conduct a lumber business in all its branches, including the manufacture from any product of the forest such articles of commerce as in the opinion of the directors may be profitable to the business of the corporation; to lay out streets, blocks and lots, and to build stores, dwellings and other buildings, and to sell, rent or lease the same, and to do such other things as may be necessary for conducting and developing the business enterprises authorized by this act; and the said corporation may engage in and prosecute all the enterprises herein mentioned or any of them. Corporate powers.

SEC. 5. That the said corporation, for the purposes of drainage and for the purposes of navigation by any and all kinds of boats and rafts, is hereby empowered to widen, deepen or straighten the channels or runs and to cut canals in any of the swamps or creeks contiguous to or emptying into the watercourses leading to the city of Wilmington, State of North Carolina, and to carry out these powers—it is hereby invested with all the rights and privileges secured to canal companies by section sixteen hundred and ninety-eight (1698) to seventeen hundred and seventeen (1717), both inclusive, of The Code of North Carolina, and may establish and maintain aqueducts and such other works as may be necessary: *Provided*, that said corporation may at any time dispose of by sale or otherwise or abandon such swamp or stream thus improved by it or canal cut by it: *Provided further*, that when in the prosecution of any such work or improvement contemplated in this section it may become necessary to construct bridges across public roads, the same shall be constructed and kept in proper repairs Drainage and navigation.

Sections 1698 to 1717, inclusive, of The Code, applicable to this corporation.

Proviso.

by said corporation so long as it shall use said canal, improved streams or roads and no longer.

May construct  
railroads, etc.

SEC. 6. That the said corporation is hereby authorized to lay out and construct or otherwise acquire, equip, maintain and operate one or more railroads in this State with one or more tracks, either standard or narrow gauge, and such tramroads and other roads as it may deem necessary for the prosecution of the enterprises herein authorized and to locate said railroads or roads at or through any points in the counties of Pender, Duplin, Lenoir, Jones, Craven and New Hanover, extending from any point on the Northeast Cape Fear River, in, near or above the city of Wilmington, to any point or points as far north as the Neuse River, with full authority to build such branch lines in or through the said counties as may be deemed necessary or advantageous to the corporation, and also to build such branch lines as will connect it with the Atlantic Coast Line Railway Company at any point between Burgaw and Warsaw, in the discretion of the said corporation, and also to construct, build or otherwise acquire and operate telegraph or telephone lines, or both, along the line of road hereby authorized and make and collect such charges for the same as are not contrary to law. It is also authorized to sell or lease to any person or corporation and any person or corporation is hereby empowered to buy or lease such railroads or parts thereof as it may construct or cause to be constructed, and by and with the consent of the Corporation Commission, or anybody succeeding to its powers, the said corporation or its successors may abandon or remove such roads or parts of roads as it may construct or cause to be constructed whenever it is deemed expedient and advantageous to do so.

Location.

Telegraph and  
telephone lines.

Powers in regard  
to railroads, etc.

Transportation.

SEC. 7. That the said corporation shall have the privilege of transporting passengers or freight of all kinds, mail and express, over any and all railroads or tramroads or streams improved under this act, and on the Cape Fear and Neuse rivers and their branches, and to charge and collect fare and freight for the same: *Provided*, that the same shall be done under the same rules and regulations, with the same rights and liabilities as are provided by law for common carriers.

Corporate powers.

SEC. 8. Said corporation shall have power to improve, manage, develop, sell, convey, lease, mortgage, dispose of or otherwise deal with any or all of its property, to lend money, to make, endorse, accept and execute promissory notes, bonds drafts, checks, and other commercial paper and instruments, to raise money in such manner as it may see fit not contrary to law, to issue mortgage bonds upon any or all of its property, and to do



all such other things as are incident to the accomplishment of any or all of the enterprises authorized by this act.

SEC. 9. Said corporation shall have power to adopt from time to time by a majority vote of its stock such by-laws and regulations as it may deem proper for the government of its affairs, and to alter or abolish the same at will, to fix the number of directors, prescribe the manner of their election, and define their powers, and to provide for the election of a president and such other officers as it may see fit. Its principal place of business shall be in New Hanover County in or near the city of Wilmington, but it may establish such branch offices or places of business as may be necessary or convenient for the transaction of its business and shall hold its meetings whenever a majority of the directors may determine.

By-laws.

Officers.

Principal place of business.

Branch offices.

SEC. 10. That if any person shall in any manner wilfully obstruct the canals, improved streams, railroads, turnpikes, tramroads or other works of said corporation, or in any way deface or injure its real or personal property he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the Court, or both, and said corporation is hereby fully authorized to remove such obstructions.

Wilful interference with or injury to property, a misdemeanor.

Penalty.

SEC. 11. That said company shall enjoy all the benefits and be subject to the provisions of section one thousand nine hundred and forty-three (1943), to one thousand nine hundred and fifty-one (1951), both inclusive, of chapter forty-nine (49) of The Code of North Carolina, in respect to the acquisition of land by condemnation for railroad, telegraph, telephone and canal purposes.

Sections 1943 to 1951, inclusive, of The Code, applicable to this company.

Right of eminent domain.

SEC. 12. That said corporation, its successors and assigns shall have existence for (99) ninety-nine years and all laws and clauses of laws in conflict with this act are hereby repealed in so far as they are repugnant to any provision herein and no further.

Corporate existence.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 43.

### AN ACT TO AMEND THE CHARTER OF THE WINSTON-SALEM RAILWAY AND ELECTRIC COMPANY.

WHEREAS, The Winston-Salem Railway and Electric Company, a corporation organized by special act of the General Assembly of North Carolina, ratified January 24, 1891, Private Act of 1891, chapter 8, is now, together with all of its capital stock, owned

Preamble.

and controlled by The Fries Manufacturing and Power Company, a corporation organized by special act of the General Assembly of North Carolina, ratified February 28, 1891, chapter 592 of the Public Laws of 1891; and,

Preamble.

WHEREAS, For the convenience of the owners and in the interest of the public, it is desirable that the franchise and properties of the Winston-Salem Railway and Electric Company may be owned, controlled and operated under the charter and name of The Fries Manufacturing and Power Company;

*The General Assembly of North Carolina do enact:*

The Winston-Salem Street Railway and Electric Company authorized to transfer its powers, properties and franchises to The Fries Manufacturing and Power Company.  
Proviso.

SECTION 1. That the Winston-Salem Railway and Electric Company shall have right, power and authority to sell, transfer and convey to The Fries Manufacturing and Power Company all the rights, power, franchises and properties of every kind of the said Winston-Salem Railway and Electric Company: *Provided*, that no sale or conveyance of its franchise or properties as aforesaid shall affect any mortgage, deed of trust, or other conveyance heretofore made by the Winston-Salem Railway and Electric Company and in force at the ratification of this act.

Prior contracts, deeds and obligations not affected.

SEC. 2. That all or any of the contracts, deeds or obligations of any kind heretofore made by the Winston-Salem Railway and Electric Company and now existing, shall remain in full validity, vitality and force according to the terms thereof. That the execution by the Winston-Salem Railway and Electric Company in conjunction with The Fries Manufacturing and Power Company of a deed of trust to the North American Trust Company of New York, trustee, dated the first day of January, 1900, and recorded in the office of the Register of Deeds for Forsyth County, Book No. 36 of Mortgages, page 1, etc., together with all its provisions, terms, and conditions is hereby declared valid and within the scope, power and authority of the Winston-Salem Railway and Electric Company.

Deed of Trust to North American Trust Company, how effected.

Listing of property for taxes and payment thereof.

SEC. 3. That the physical properties of the Winston-Salem Railway and Electric Company, actually located, situated or being in the town of Salem, shall be listed for municipal taxes in the town of Salem, and said corporation shall pay the taxes assessed thereon to the town of Salem; that the properties aforesaid of the company aforesaid actually located, situated or being in the city of Winston shall be listed for municipal taxes in the city of Winston, and payment of taxes assessed thereon shall be made to the city of Winston. That the properties aforesaid of the company aforesaid situated in the county of Forsyth, shall be listed for State and county taxes in the township or townships in which it is respectively actually located or situated, and payment of taxes shall be made to said respective township as re-

quired by law, all of which is subject to the rules, laws and regulations governing the listing, assessment, collection and payment of taxes under the general law, except as inconsistent with the above provisions: *Provided*, that this act shall in no way effect the listing of the franchise of the company, or payment of any tax in regard to the corporation franchise or stock, which shall be listed in the municipality in which its principal offices are located.

Taxation of franchises and stock.

SEC. 4. That any person or persons, who, while on any of the cars, or within the buildings, or in the parks or upon any premises of the Winston-Salem Railway and Electric Company shall indulge in any obscene or profane language, or shall engage in any obscene, vulgar or indecent conduct, or any person or persons, who, after being forbidden by the conductors of the said Winston-Salem Railway and Electric Company, shall in any way over-load, over-crowd or otherwise render unsafe any of the car or cars of said company, or any persons or persons who shall in any way wilfully injure, deface, batter or scar any of the cars, buildings, bridges, platforms, seats, trolleys or other properties of said Winston-Salem Railway and Electric Company shall for any and each of said different offences mentioned above in this section, be guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Obscenity on property or premises of company, overloading or rendering unsafe cars, wilful injury to property, a misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 44.

### AN ACT TO AMEND THE CHARTER OF THE MOORE COUNTY RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Moore County Railroad Company is hereby authorized and empowered to remove from its road-bed and side-tracks, at any time after six months and within three years from the ratification of this act, the cross-ties, iron or steel rails, joint fastenings, and such other property as said company has placed thereon for the purpose of operating its railroad: *Provided*, the power and authority conferred by this act shall be of no effect if the said Moore County Railroad Company shall sell its rights, powers, property and franchise to the Moore County and Western

Power to remove cross-ties, rails, etc., from road-bed.

Not to apply if railroad sold.

Railroad Company, or to any other railroad company, before the removal of said cross-ties, iron or steel rails, joint fastenings, and other property.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 45.

### AN ACT TO AMEND CHAPTER TWENTY-TWO OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-THREE.

*The General Assembly of North Carolina do enact:*

To amend charter of Aberdeen and Rockfish Railroad Company, Chapter 22, Private Laws 1893.

SECTION 1. That chapter twenty-two (22) of the Private Laws of the General Assembly, passed at its session of eighteen hundred and ninety-three, entitled "An act to amend the charter of the Aberdeen and Rockfish Railroad Company," be and the same is hereby amended by striking out in section six of said act all after the word "to" in line four, down to and including the word "creek" in line five of said section, and insert in lieu thereof the words "Hope Mills, in Cumberland County, and to one or more points on the Cape Fear River, or to any points between the present terminus of the railroad of said company and the points aforesaid," and by striking out the word "twenty" in line six of said section and inserting in lieu thereof the word "thirty," and by striking out the word "this" in line ten of said section and inserting in lieu thereof the word "any."

SEC. 2. That section seven of said chapter be and is hereby amended by inserting between the word "branches" in line six of said section and the second "and" in said line the words "including any abandoned road-bed or road-beds not now in use."

SEC. 3. That said chapter be and is hereby further amended by adding thereto the following section, to be known as section thirteen (13) of said act:

"SEC. 13. That this company shall have the right, at any time after one year from the ratification of this act, to discontinue and take up any branch road."

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

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

Power to discontinue branch roads.

## CHAPTER 46.

## AN ACT TO DIRECT THE TREASURER OF CASWELL COUNTY TO PAY THIRTY-THREE AND 67-100 DOLLARS TO A. J. HOOPER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That out of the general school fund of Caswell County the Treasurer of said county of Caswell is authorized and directed to pay A. J. Hooper the sum of thirty-three and 67-100 dollars, money paid by said Hooper for license to engage in the business of selling by the small measure vinous, spirituous or malt liquors in the town of Yanceyville in said county, which business he was prevented from carrying on by chapter two hundred and forty-six (246) of the Public Laws of eighteen hundred and ninety-nine (1899). For the relief of A. J. Hooper.

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

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

## CHAPTER 47.

## AN ACT TO INCORPORATE "THE CAROLINA ART COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. R. Capehart, H. D. Teel, J. B. Martin, John P. Ellis, Harry Young, Robert N. Waite and Eugene E. Logue, and such other persons as may become shareholders therein, are hereby created a body corporate to be designated and known as "The Carolina Art Company," with succession for fifty years; to have and use a common seal, and to sue and be sued in the Courts of the State, and to acquire both real and personal property. Corporators.  
Corporate name and existence.  
Corporate powers.

SEC. 2. That said company may buy, sell, lease, exchange and deal in paintings, statuary and other works of art, and conduct and carry on an agency in connection with, and for the purpose of buying, selling, exchanging and disposing of, and otherwise dealing in such works of art; and maintain an art gallery and a school of art, wherein free instruction may be given students; to encourage and promote higher education in such direction by the publication and distribution of paintings and other works of art produced by the labors of the members of said company and the students of such school, or published by or under the discretion Corporate powers and purposes.  
Art education.  
Distribution of works of art.

of the said company and to distribute the same by lot or otherwise among the students of such art school and others without by so doing infringing any law of this State: *Provided, however,* that in such distribution by lot, if any be made, nothing in this act shall authorize the sale within this State of any interest or share in the event of any such distribution.

Capital stock. SEC. 3. That the capital stock of said company shall not be less than five thousand dollars, nor more than fifty thousand dollars, divided into shares of ten dollars each, and for which it may issue certificates of stock.

Shares. SEC. 5. That the business of this company shall be conducted by such officers and directors as the stockholders may determine.

Officers. SEC. 6. At the first meeting of the incorporators hereinbefore named, in the election of officers and directors each stockholder may cast one ballot for each share of stock owned or represented by him.

Voting power of stockholders. SEC. 7. That at such first meeting of incorporators and stockholders the amount of stock to be subscribed subject to the limitations in section 3 shall be determined upon; and when so determined upon shall not be thereafter increased.

Determination of capital stock. SEC. 8. That this company may make all necessary rules and by-laws for the conduct of the business and not inconsistent with law.

By-laws. SEC. 9. The principal office and domicile of said company shall be at such point within this State, as the incorporators and stockholders may upon the first meeting for purposes of organization designate and select.

Principal office. SEC. 10. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 48.

### AN ACT TO INCORPORATE THE HERTFORD COUNTY TELEPHONE COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators. SECTION 1. That Starky S. Daniel, John W. Taylor, B. F. Williams, Geo. E. Carman and Benj. B. Winbourne, all of Hertford County, in this State, together with all other persons and corporators who shall be associated with them and become stockholders in the corporation hereby incorporated, their successors and assigns, be and they are hereby created and constituted a

body politic and corporate, by and under the name and style of the "Hertford County Telephone Company," with all the powers, rights, privileges, and liabilities of corporations organized under the general laws of the State.

SEC. 2. That the principal office and place of business of said corporation shall be at Winton in said Hertford County, unless changed by said company.

SEC. 3. The general business of said corporation shall be the erection and maintenance and operation of telephone and telegraph lines as provided for by the general statutes of the State, in the counties of Hertford, Bertie, and the counties adjoining thereto and in such other parts of the State of North Carolina and adjoining States as may be found desirable, and to do all such other acts as are or may hereafter be necessary or advantageous in conducting a general telegraph or telephone business not inconsistent with the laws of North Carolina.

SEC. 4. That the amount of the capital stock of said corporation shall be five hundred dollars divided into fifty shares of par value of ten dollars each, but said capital stock may be increased from time to time by said company not exceeding ten thousand dollars.

SEC. 5. That the principal officers of said company or corporation shall be a president, general manager, secretary, treasurer, and three directors, who shall be elected annually by the stockholders in regular meeting, and shall hold their offices respectively for one year, and until their successors shall be chosen.

SEC. 6. That annual meeting of the stockholders shall be held at some place in said Hertford County to be fixed by the directors and at such time as may be so fixed.

SEC. 7. The following named persons shall fill the offices of said corporation until a meeting of the stockholders shall be regularly called by the directors for the election of officers, viz.: S. S. Daniel shall hold the offices of president and general manager; John W. Taylor, secretary and treasurer; Geo. E. Carmon, B. F. Williams and Benj. B. Winbourne, directors.

SEC. 8. That the stockholders and officers of said company shall not be personally liable for the debts and obligations of the corporation.

SEC. 9. That the company may create such other offices as it may deem proper and fill the same as may be provided by its by-laws and prescribe the duties of all of its officers.

SEC. 10. That said company may become a stockholder in other similar corporations and may buy, and hold, and own, and convey real estate, and may buy from individuals, persons, or other

corporations, telegraph or telephone lines in payment of subscription to stock in said corporations.

When to begin business.

SEC. 11. That whenever five hundred dollars of its stock is subscribed and paid for in money or otherwise, said company is hereby authorized to do business.

SEC. 12. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 31st day of January, A. D. 1901.

#### CHAPTER 49.

#### AN ACT TO AMEND CHAPTER 128, PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

Chapter 128, Private Laws 1899, relative to town of Wadesboro, amended.

SECTION 1. That chapter one hundred and twenty-eight of the Private Laws of 1899 be and the same is hereby amended as follows: After the word "determine" in line three of section nine, insert the following, to-wit: "And when any of said improvements herein authorized are determined upon by said Commissioners, the completion, operation and maintaining of the same shall be and constitute necessary expenses of said town to be borne and maintained by said town, by and under the direction and authority of the Commissioners thereof for the safety, comfort, health and convenience of said town." In line eight of said section nine, after the words "provided for," insert the following, to-wit: "And shall have power and authority to levy and collect the necessary tax, and to use the ordinary revenues of the town, to complete, operate and maintain said improvements: *Provided, however,* that the rate of taxation on polls and property for the necessary expenses of said town, exclusive of the tax authorized in said chapter 128, Private Laws of 1899, for the payment of the principal and interest of bonds, shall not exceed the rate of taxation provided in the charter of said town, chapter twenty-six, section 32, Private Laws of 1891."

Former expenditures for water-works, validated.

SEC. 2. That any expenditure of the ordinary revenues of said town heretofore made by the Commissioners thereof in providing a system of water-works for the use of said town is hereby declared legal and valid.

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

In the General Assembly read three times, and ratified this the 1st day of February, A. D. 1901.



## CHAPTER 50.

## AN ACT TO ALLOW BRYAN BUCK, A ONE-ARMED CONFEDERATE SOLDIER, TO PEDDLE WITHOUT LICENSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Bryan Buck, a one-armed Confederate soldier, of Pitt County, be and he is hereby permitted to peddle chickens, fish, eggs, hides and groceries in the counties of Pitt, Craven and Beaufort, without paying a license tax.

Bryan Buck, of Pitt County, allowed to peddle without license.

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1901.

## CHAPTER 51.

## AN ACT TO AMEND THE CHARTER OF THE METHODIST ORPHANAGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and twenty-nine (229) of the Private Laws of one thousand eight hundred and ninety-nine (1899) be amended as follows: Insert in line fifteen (15) in section five (5) of said chapter between the words "not exceeding" and "the" the word "twice."

Chapter 229, Private Laws 1899, chartering Methodist Orphanage, amended.

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1901.

## CHAPTER 52.

## AN ACT TO CHANGE THE NAME OF LOUISE YARN MILLS

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of the Louise Yarn Mills, a corporation of Mecklenburg County, be changed by striking therefrom the word "Yarn," and the corporate name of the same hereafter shall be "Louise Mills."

Name of Louise Yarn Mills changed.

SEC. 2. That all the contracts, acts and doings of said corporation heretofore by it entered into, done or performed under the name of Louise Mills are hereby declared to be valid in every

Prior contracts, acts and doings of company, validated.

respect as if same had been entered into, done or performed by it under the name of Louise Yarn Mills.

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

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1901.

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CHAPTER 53.

AN ACT TO INCORPORATE THE PIEDMONT AND ALLEGHANY RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That Robert E. Lyon, S. A. Carr, Daniel Crook, John H. Foss, Joseph W. Hazell and J. S. Carr, and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body politic and corporate,
Corporate name.	under the name and style of "The Piedmont and Alleghany Railroad Company," and in that name may sue and be sued, plead
Corporate powers.	and be impleaded, shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or in any other way, real or personal property, and of holding, leasing, conveying or in any other manner dealing with the same; and the said corporation shall also have and enjoy all the rights, privileges and immunities which corporate bodies may lawfully exercise or enjoy, and may make ordinances, hy-laws and regulations, consistent with the laws of this State and of the laws of the United States for the government of all, under its authority, for the management of its estates and for the
By-laws, etc.	due and orderly conduct of its affairs and shall also be subject to all the general restrictions imposed by the laws of this State upon railroad companies. It may build branch roads not exceeding fifty miles in length from any points on its main line, and for this purpose shall have all the powers, privileges and rights contained in this act, which are hereby made to apply to such branch roads as well as to the main line.
Subject to general laws governing railroad companies.	
Branch roads.	
May build, etc., railroads, telegraph and telephone lines.	SEC. 2. Said company upon its organization as hereinafter provided for, shall have power to survey, lay out, construct and equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks, and telegraph and telephone line or lines from some point to be selected by it on the line between the State of Virginia and the State of North Carolina in the counties of Caswell, Rockingham or from such point through the counties of Stokes, Surry, Yadkin, Wilkes, Alleghany, Ashe,
Location.	

Watauga, Caldwell, Mitchell, Yancey, Madison, and to the boundary line between the State of North Carolina and the State of Tennessee, or through or into such of said counties of North Carolina as the said corporation may from time to time elect. The said company shall also have power to connect its tracks with any other railroad company now or hereafter chartered, and to lay down and use tracks through or into any town or city along its proposed lines by and with the consent of the corporate authorities of such town or city upon such terms as they may prescribe.

May connect with other roads.

Consent of town or city authorities.

SEC. 3. The capital stock of said company shall be not less than ten thousand dollars (\$10,000) nor more than five million

Capital stock.

dollars (\$5,000,000), to be divided into shares of one hundred dollars (\$100.00) each, and may be from time to time increased

Shares.

between the minimum and the maximum limits hereby provided, as the stockholders thereof may determine. The holder of stock

Increase of capital stock.

in this company shall in all meetings of the stockholders be entitled either in person or by proxy to one vote for each share of

Voting power of stockholders.

stock held by him, and a majority of stock shall constitute a

Quorum.

quorum at all meetings of the stockholders. As soon as the minimum amount above provided for shall be subscribed, the said

Organization.

company may be organized. Subscription to the stock may be

Subscriptions, what to consist of.

made in money, land or other property, bonds, stocks, credits, contracts, leases, options, mines, minerals, or mineral rights,

rights of way, and other rights or estimates, labor or services, upon such terms as may be agreed upon or approved by the sub-

scriber and the Board of Directors of the company, and there shall be no individual liability upon the takers or holders of said

Individual liability of stockholders.

stock beyond the unpaid subscription thereto. If any subscriber

to the stock of this company shall neglect or refuse to pay any installment of his subscription amount when it becomes due, as

Failure of stockholder to pay, forfeits stock.

required by the Board of Directors, said board may declare his stock forfeited as well as all previous payments thereon to the

Notice.

use and benefit of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in

writing in person, or by depositing said notice in the post-office, postage paid, directed to him at the post-office nearest his usual

place of abode, or to his post-office address as given opposite to his signature to the subscription paper, stating that he is re-

quired to make such payment within sixty days from the date of such notice at such time and place as is named therein, and at

the expiration of such period of sixty days if the subscriber is still in default the Board of Directors may exercise the power of forfeiture above conferred.

Books of subscription.

SEC. 4. The incorporators mentioned in this act or a majority of them, shall have power to open books of subscription in person or by agent or agents at such place or places, either within or without this State, as they or such majority may fix, and with or without notice, and if with notice, then upon such notice as they or such majority may determine, and to keep the same open for such time and under such conditions, rules and regulations as they or such majority may deem necessary or expedient. And said incorporators or a majority of them may when they or such majority deem proper, after ten days' notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, call together the subscribers to said shares of stock at any place in or out of this State; and said subscribers or such of them as shall attend may then complete the organization of said company by electing a Board of Directors, to consist of such number as they may determine and of such officers as they may see fit, and the said directors shall thereupon proceed to elect one of their number as president and to elect such other officers as the by-laws of said company may prescribe, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to the complete organization of said company and to carry into effect the objects of this act.

Meeting of subscribers.

Organization.

Directors.

Officers.

Annual meeting of stockholders.

SEC. 5. The annual meeting of the stockholders shall be held on such day as is or may be prescribed by the by-laws, or if none be so prescribed, on such day as the stockholders may in general meeting from time to time appoint, or in the absence of such appointment by the stockholders on such day as the Board of Directors may designate and at such place within or without this State as shall be fixed from time to time by the Board of Directors. Notice of the annual meeting of the stockholders shall be published in a newspaper for two successive weeks.

Notice.

How general meeting of stockholders called.

SEC. 6. A general meeting of the stockholders may be held at any time upon the call of the Board of Directors, or of stockholders holding together one-tenth of the capital stock, upon their giving notice of the time and place of such meeting for ten days in a newspaper published in or near the place at which the last annual meeting was held. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Election of directors.

SEC. 7. The election of directors shall be by ballot and shall be held at the annual meeting unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy

Term of officers.  
Vacancies.

that may occur in it during the term for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected and assume their duties. The secretary and treasurer shall also be elected by the Board of Directors and may be one and the same person. In the absence at any meeting of the Board of Directors of the president and vice-president, if there be a vice-president, or of the secretary, the board may appoint a president or secretary *pro tempore*. The Board of Directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.

Election of officers.

Term of office.  
Secretary and treasurer.

President or secretary *pro tem*.

By-laws.

SEC. 8. The company shall issue certificate of stock to its members and the stock may be transferred in such manner and form as may be prescribed by the by-laws of the company.

Issue and transfer of stock.

SEC. 9. The said company shall have power to take by purchase, lease, or otherwise, the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It shall have power to consolidate its franchises and property with any other company upon such terms and under such name as may be agreed upon. It may assign or lease its property and franchises or any part thereof to any other railroad company incorporated by the laws of this State or of any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so purchasing or leasing, and the railroad company so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the company incorporated by this act. Any of the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds or other securities of any other corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to or purchase the capital stock, bonds or other securities of this company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed, and may charge tolls for the transportation of passengers and freight on its road and for the transmission of messages on or use of its telegraph

May purchase, lease, etc., other railroad franchises and property.

May consolidate.

Corporate powers.

Corporate powers.

Freight, passenger and telegraph tolls.

or telephone lines, and on any such section or portion of said road or lines.

- Corporate powers. SEC. 10. This company shall have the right and power, when necessary or convenient, to construct their said road across any public road or street at such point as it may determine, or along or alongside of any public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have power to construct dams, culverts, trestles and bridges over or across streams, valleys and depressions, and to cross any navigable stream or canal on its route; it shall likewise have the right and power to cross at grade or over or under any other railroad constructed in this State at any point on its route; to intersect, join or unite its line of railway with any other such railroad upon the ground of such other companies at any point on its route, and to build turnouts, sidings, switches and any other conveniences in furtherance of the object of its construction, and may, in making any intersection or connection with any other railroad, have all the rights, powers and privileges conferred upon railroads by the laws of this State.
- Use of public roads. SEC. 11. Whenever from any cause this company is unable to agree with the owners of the land over or near which it is proposed to extend its road for the purchase of such land for its depots, road-beds, station grounds, yards, shops, gravel pits, quarries, or other purposes of the company, the said company may file a petition before the Clerk of the Superior Court of the county wherein the land lies, specifying the object for which the land is desired, with a description and plot thereof. A copy of such petition, with a notice of the time and place when and where the same shall be heard by the Clerk, must be served on all persons whose interests are to be effected by the proceedings at least ten days prior to the hearing of the same by the said Clerk in the manner provided by law, and in the event that any of the persons interested in said company are unknown or non-residents of this State, such notice may be served by advertisement, stating briefly the object of the application and giving a description of the land to be taken, published in a paper, if there be one published in the county in which the land to be taken is situate, once in each week for four successive weeks next previous to the presentation of the petition, and if there be no paper published in said county, then in some paper published in the city of Raleigh, or such notice may be given in any other way provided for the giving of notices relative to the condemnation of land by chapter forty-nine of the first volume of The Code of North Carolina. The Clerk of the Superior Court shall thereupon appoint five dis-
- Crossing streams, other railroads, etc. Corporate powers as to construction.
- Rights of eminent domain granted.
- Procedure to enforce.
- Notice.

terested freeholders, who shall be summoned by the Sheriff to Appraisers.  
 meet on the premises at a time to be fixed in the order of appoint-  
 ment, not more than ten days after the appointment unless a  
 later day be fixed by consent, to assess the damages to the land  
 proposed to be taken. In assessing the damages the appraisers  
 shall take into consideration the actual value of the land, to-  
 gether with the damage to the residue of the tract beyond the Assessment of  
 damages.  
 peculiar benefit to be derived in respect to such residue from the  
 work to be constructed. The assessment shall be of the fee-  
 simple value of the property proposed to be taken by the com-  
 pany. The appraisers shall make their report to the Clerk of Report of  
 appraisers.  
 the Superior Court within ten days from the time of their meet-  
 ing on the premises. Said report shall be recorded in the office  
 of the Register of Deeds after approval by the Clerk and pay-  
 ment of the damages assessed to the Clerk or to the parties in-  
 terested, and shall have the force and effect of a deed convey-  
 ing such property to the company in fee-simple. Either party  
 may appeal to the Superior Court in term from the approval or Appeal.  
 disapproval of the action of the Clerk: *Provided*, such appeal  
 be prayed within ten days from the approval or disapproval of  
 the Clerk, and on such appeal may present such evidence as they  
 may desire and have a hearing *de novo* before the Court, but the  
 burden of proof shall be upon the party objecting to the ruling  
 of the appraisers. In the event that the true owner of any  
 property taken as above mentioned is not notified as above pro-  
 vided, then such owner may within two years, but not after-  
 wards, petition the Superior Court of the county in which the  
 land lies for assessment of the value thereof, as aforesaid, but  
 no action of ejectment shall be brought by him nor the posses-  
 sion or occupation of this company in any way disturbed unless  
 it shall, within the time to be fixed by the said Court, fail to  
 pay such damages as may be assessed for the value thereof:  
*Provided, however*, that in case the true owner be at the time  
 of such condemnation and occupation under any legal disability  
 he may file a petition for the assessment of such damages within  
 two years from the removal of such disability. Hearing on  
 appeal *de novo*.  
 On failure to  
 notify owner of  
 property taken,  
 he may have  
 same appraised in  
 two years.  
 No action of  
 ejectment lies  
 against company,  
 except on failure  
 to pay damages.  
 Proviso.  
 SEC. 12. The right of said company to condemn and take land  
 under this act shall be limited to the space of fifty feet on each  
 side of its road-bed, measuring from the middle line of the same,  
 except in cases of deep cuts or high embankments, when said  
 company shall have the right to condemn as much in addition  
 thereto as may be necessary for the construction of its road, and  
 except also that if for depot, warehouse, station grounds, shops,  
 yard, gravel pits, quarries, or other purposes necessary for the  
 construction and operation of said road, it may condemn not ex-  
 ceeding ten acres in any one place. Extent of right of  
 way.

Power to locate line.

SEC. 13. It shall be lawful for the said company, through its agents, superintendents, engineers or other persons in its employ, to enter at any and all times upon all lands or waters for the purpose of exploring, surveying and locating its line upon the same and of making a plat thereof.

Counties, townships and towns may subscribe to the capital stock of said road.  
Manner of subscription.

SEC. 14. Any county, township, city or town along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of the company in the following manner: Upon presentation of a petition in writing signed by not less than twenty-five per centum of the voters of the county, township, city or town to the Board of Commissioners of such county or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, city, township or town where such petitioners may reside, a proposition to subscribe a definite sum, to be named in said petition, to the capital stock of this company, the Board of Commissioners of said county or proper authorities of said city or town shall within thirty days order an election to be held in such county, township, city or town and submit to the qualified voters therein the question of subscribing to the capital stock of the said company, the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words

Petition.

Must be submitted to qualified voters.

Election.

Form of ballots.

Election, how conducted

Notice.

Returns.

To issue bonds.

Form of bonds.

Denomination.

How long to run, and rate of interest.

How executed.

"For Subscription," and all those who are opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription;" and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers by the general election laws of this State. Such election shall be held after thirty days' notice thereof, specifying the amount of the proposed subscription, shall have been posted at the court-house of said county, and at every polling place of said county, township, town or city where the said election shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or proper authorities of said city or town shall immediately make such subscription and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of



the Board of County Commissioners and by the Clerk of said county, and if issued by a city or town, by the Mayor and one of the Commissioners of such city or town.

SEC. 15. The county authorities in any county voting for subscription or in which there is a township voting for subscription, or the proper authorities in the city or town voting for subscription who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year at the time of levying their taxes a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above provided shall be annually collected as other taxes and shall be paid by the collecting officer of such county, township, city or town to the Treasurer thereof, and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which levied and collected and for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of the county issuing said bonds or in which there is a township issuing such bonds, or by the proper authorities of the city or town issuing said bonds. *Provided*, that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act at a price not exceeding the par value thereof. In the event that the properties, rights and franchises or any part thereof of this company are hereafter acquired under the provisions of this act by any other company, the Board of Commissioners of any county making such subscription or the proper authorities of any city or town making such subscription shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

SEC. 16. For the purposes of this act all the townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of the company as provided by this act shall be and are declared to be respectively bodies politic and corporate, and vested with full power to subscribe as provided in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights, and be entitled to all the liabilities in respect to any right or causes of action growing out of the pro-

Tax levies for bonds and interest.

To provide sinking fund.

Taxes, how collected and paid out.

Special tax kept separate and used for no other purpose.

Sinking Fund to be invested.

*Provido.*

Right to transfer subscription to other companies.

Counties, townships and towns made bodies corporate for subscription purposes.

County Commissioners declared corporate agents.

visions of this act. The County Commissioners of the respective counties in which any such township is located are declared to be corporate agents of said townships so incorporated, and situated within the limits of the said counties, respectively for the purpose of issuing the bonds of said township or townships, and to provide for the levy and collection of taxes on property and polls, to pay the principal and interest of such bonds, and to provide for the sinking fund hereinabove mentioned.

Company may issue bonds.

SEC. 17. It shall be lawful for this company to issue coupon or registered bonds in such denominations, running for such time, bearing such rate of interest and payable at such time and place as the Board of Directors may direct, and to secure the payment of the same, the company is authorized to execute one or more mortgages or deeds of trust to such person or corporation as it may select on all or any part of its real and personal property, franchises and privileges, or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections or on all, or any part of its franchises and in such manner as the company may direct; and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed in said mortgage or deed of trust. This company may, by the action of the stockholders or through its Board of Directors, sell, hypothecate or otherwise dispose of the bonds authorized by this section to be issued, or any other of its stock, bonds or securities.

May secure the same by mortgage, etc.

Registration of mortgages, etc.

Authority to dispose of bonds, etc.

Penitentiary Board may turn over convicts.

SEC. 18. The Board of Directors of the Penitentiary may, on the application of the president of this company, approved by the Governor, turn over to said company convicts not otherwise appropriated or needed in the discretion of said board, not more than two hundred and fifty in number, to be worked on the construction of said road, upon such terms as may be agreed upon, the said convicts to be guarded and superintended by the authorities of the Penitentiary, and to be hired to said company as provided by law.

Number.

Personal liability of stockholders.

SEC. 19. The stockholders of this company, whether private individuals or corporations, public, private or municipal, shall not be personally liable for the debts of the company.

Permission of town authorities necessary before utilization of streets.

SEC. 20. That before entering any town or city and beginning work on the streets thereof, said company shall first have and obtain permission from the Board of Commissioners or Aldermen thereof.

SEC. 21. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1901.

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CHAPTER 54.

AN ACT TO INCORPORATE THE VALLEYTOWN CEMETERY  
IN CHEROKEE COUNTY, NORTH CAROLINA.

THAT WHEREAS, The General Assembly of North Carolina did, Preamble.  
on the 8th day of January, 1847, pass an act entitled "An act to  
establish a public burying ground in the county of Cherokee,"  
the same being situated in Valleytown Township, consisting of  
ten acres of land, included in lot 43, in the 7th District; and,

WHEREAS, The same has since been used as a public burying  
ground, and for the better protection of the same;

*The General Assembly of North Carolina do enact:*

SECTION 1. That the same be incorporated under the name and Corporate name.  
style of the "Valleytown Cemetery."

SEC. 2. That John W. Walker, Richard W. Collett and Mc. Corporators.  
Cooper, and their successors are hereby declared a body politic  
and corporate for the purpose of the better protection of said Corporate pur-  
property, to be known and distinguished as "the Trustees of Val- poses.  
leytown Cemetery." Trustees, etc.

SEC. 3. That said Board of Trustees and their successors shall Powers of trus-  
have the power to eject by law, any and all trespassers who may tees.  
enter upon said property for any other purpose than that of bury-  
ing the dead and caring for the graves of the same.

SEC. 4. That in the event of death, resignation, refusal to act, Vacancies, how  
or removal from the State of any of the trustees, for the time filled.  
being, then the remaining of the trustees shall have power to  
appoint others to fill the vacancies created.

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

In the General Assembly read three times, and ratified this the  
5th day of February, A. D. 1901.

## CHAPTER 55.

## AN ACT TO INCORPORATE THE TOWN OF WINGATE. IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

Wingate incorporated.	SECTION 1. That the town of Wingate, in the county of Union, be and the same is hereby incorporated under the name and style of "Wingate," 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 name.	SEC. 2. The corporate limits of said town shall be as follows: Beginning at a stake in center of the street directly in front of G. M. Stewart's residence, where he now lives, which is to be the center of said corporation, and measure north six hundred yards; thence east six hundred yards to a stake; thence south twelve hundred yards to a stake; thence west twelve hundred yards to a stake; thence north twelve hundred yards to a stake; thence east six hundred yards to the beginning.
Shall have benefit of and be subject to provisions of law, etc.	
Corporate limits.	
Officers.	SEC. 3. That the officers of said town shall consist of a Mayor and three Commissioners, who shall be elected on the first Monday in May, nineteen hundred and two, and annually thereafter; the election for said officers to be held 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.
Election of officers.	
How held.	
Who may vote.	SEC. 4. That until their successors have been duly elected and qualified, the following named persons shall fill said offices, to-wit: Mayor, J. T. Lowery; Commissioners, W. M. Perry; J. W. Onten and J. L. Austin, and said Commissioners shall have power to elect a Town Marshal and a Secretary and Treasurer, and designate the salaries of said officers.
Present officers.	
Powers.	
Treasurer's and Marshal's bonds.	SEC. 5. That the Treasurer and Marshal shall each be required to give bond, payable to the State of North Carolina, in the sum of two hundred (\$200.00) dollars, to be approved by the Mayor and Commissioners of said town.
Penal sum.	
Power of commissioners to pass by-laws, etc.	SEC. 6. That the said Commissioners shall have power to pass all by-laws, rules and regulations for the good government of said 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 twenty cents on the one hundred dollars valuation of property, and sixty cents on the poll; 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 of The Code, and all acts amendatory thereto.
Tax levy and amount	
Fines for violation of town ordinances.	
License taxes.	

SEC. 7. That the taxes levied and the fines imposed shall be collected by the Marshal in the same manner as other taxes are collected, and paid over to the Treasurer; and shall be paid out by order of the Mayor and a majority of the Commissioners of said town.

Taxes and fines, how collected and disposed of.

SEC. 8. That it shall be unlawful for any person or persons to manufacture, sell or give away, or dispose of in any way, directly or indirectly, any vinous, spirituous or malt liquors, wine or cider, or intoxicating drink of any kind 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 or imprisoned, or both, in the discretion of the Court.

Unlawful to manufacture, sell or dispose of intoxicating liquors.

Penalty.

SEC. 9. That when it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the Town Marshal shall have the authority, and it shall be the duty of such Marshal to arrest the body of offending parties, who have violated the law in the presence of such Marshal, without warrant, and to take such person or persons before the Mayor of said town as early as practicable, to be dealt with as the law directs.

Power of Marshal to arrest without warrant.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 56.

AN ACT TO ENABLE THE CITY OF CHARLOTTE TO FUND PART OF ITS FLOATING INDEBTEDNESS AND TO AUTHORIZE THE CITY TO LEVY TAXES TO MEET THE SAME.

WHEREAS, The city of Charlotte has heretofore contracted indebtedness to meet the necessary expenses to an amount in excess of the sum of forty thousand dollars, and said city desires to issue long-time bonds in a sum not exceeding forty thousand dollars for the purpose of funding a part of said indebtedness, and further desires to procure authority to levy taxes to pay the interest on the bonds so issued and to provide a sinking fund to meet the principal when it shall become due; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the city of Charlotte be and they hereby are authorized to issue bonds to an amount not exceeding forty thousand dollars par value, for the

Board of Aldermen of Charlotte authorized to issue bonds.

Amount. Purpose.	purpose of funding a portion of the debt of said city contracted for necessary expenses. Said bonds authorized by this act may be either negotiable coupon bonds or registered bonds, in such
Form, denomination, etc., in discretion of board.	form and of such denomination, and may be payable both principal and interest in gold coin of the United States, payable at such time or times and place, and said bonds shall bear such legal rate of interest as the Board of Aldermen of the said city may determine: <i>Provided, however,</i> that the total issue of bonds
Maximum amount. How executed.	authorized by this act shall not exceed the sum of forty thousand dollars. Said bonds shall be signed by the Mayor, countersigned by the Treasurer, and sealed with the corporate seal of the said city, and the coupons (if any) on said bonds shall bear the engraved or lithographed signature of the Treasurer. The said
Sale of bonds.	bonds shall be sold at public or private sale, with or without notice, as the Board of Aldermen of said city may determine, for
Minimum price.	not less than their par value and accrued interest; and the proceeds of the said bonds, including any premium received upon
Application of proceeds.	the sale thereof, shall be applied only to the payment of the floating indebtedness of the said city contracted for its necessary expenses, and the purchaser of the said bonds shall not be bound to see to the application of the purchase-money.
Authority to issue.	SEC. 2. The resolution authorizing the issue of the bonds may be introduced and passed at the same meeting, which meeting may be either a regular or special meeting of the Board of Aldermen, by a majority vote of all the Aldermen present at such meeting. That no further or other proceedings shall be necessary for the issuance of such funding bonds, and all bonds issued
Issue under such authority valid and binding.	in accordance with the provisions of this act shall be valid and legally binding obligations of the said city notwithstanding any previous acts limiting the amount of the bonded indebtedness of
Conflicting laws repealed.	the city or otherwise; and all laws and parts of laws inconsistent with this act are hereby repealed so far as the same are inconsistent with this act.
Special tax for payment of interest and principal.	SEC. 3. That the Board of Aldermen of the city of Charlotte are hereby required and directed to levy and collect in addition to all other taxes in said city a tax upon all the taxable property and polls of the said city of Charlotte sufficient to pay the interest on said bonds as the same become due, and also on or before the time when the principal of said bonds becomes due to
Property tax ad valorem. Constitutional equation.	levy and collect a further special tax to pay for the same, or to provide for the payment thereof. The said tax so levied upon the property shall be an <i>ad valorem</i> tax, and the tax upon the polls and the property to be in the proportion required by the Constitution of North Carolina. Said special tax shall be levied and

collected at the same time as other tax upon the property and When collectable.  
polls of the city.

SEC. 4. That this act shall be in force from and after its rati-  
fication.

In the General Assembly read three times, and ratified this the  
5th day of February, A. D. 1901.

#### CHAPTER 57.

### AN ACT TO INCORPORATE THE TOWN OF MAPLETON, HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Mapleton, in the county of Hert- Incorporated.  
ford, be and the same is hereby incorporated by the name and  
style of the town of Mapleton, and it shall have the benefit and Corporate name.  
be subject to all the provisions of law now existing in reference Privileges and  
to incorporated towns in this State not inconsistent with this restrictions.  
act: *Provided*, that the sale of intoxicating liquors within the Prohibition.  
corporate limits of said town is hereby prohibited.

SEC. 2. That the corporate limits of said town shall be as Corporate limits.  
follows: Beginning at the well near the front part of Edgar  
Britt's store, thence down the new road one hundred and thirty-  
five yards, thence a line to the Hill Ferry Road to a point in the  
center of said road four hundred and fifty yards from said well,  
thence in a westerly direction along a line to the Murfreesboro  
Road four hundred and seventy yards from said well, thence  
along a line in an easterly course to a point in the Winton Road  
two hundred and forty yards from said well, thence in a north-  
easterly course along a line to a point in the new road, one  
hundred and thirty-five yards from said well.

SEC. 3. That the officers of said town shall consist of a Mayor, officers.  
three Commissioners, a Treasurer and a Constable, to be elected How elected.  
in accordance with the general laws regulating elections in cities  
and towns.

SEC. 4. That until their successors shall be elected and quali- Officers  
fied the following persons shall be the officers of said town, viz.: appointed.  
Mayor, Geo. E. Carman; Commissioners, Edgar Britt, Lloyd T.  
Wiggins and Sidney Darden; Treasurer, Edgar Britt; Constable,  
Huchings Griffith.

SEC. 5. That this act shall take effect from and after its rati-  
fication.

In the General Assembly read three times, and ratified this the  
5th day of February, A. D. 1901.

## CHAPTER 58.

## AN ACT TO INCORPORATE THE WINTERVILLE HIGH SCHOOL, IN PITT COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That C. W. Blanchard, A. C. Cox, W. C. Newton, J. D. Cox, O. H. Perry, J. A. McDaniel, J. B. Carrol, W. C. Jackson, T. W. Carr, G. A. Norwood, W. R. Simmons, Jesse Jackson, E. W. Cox, W. H. Burke, J. A. Pridgen, M. Duffy Lane, T. A. Bell, F. O. Cox, and their successors be and are hereby declared
Corporate purposes.	to be a body politic and corporate for the purpose of conducting under the auspices of the Neuse White Baptist Association a school of high grade in the village of Winterville, in Pitt County, for the education of boys and girls, to be known as
Corporate name.	"The Winterville High School," and by this name and style shall have succession for sixty years and a common seal, and shall be
Corporate powers.	able in law to sue and be sued, plead and be impleaded, in all the Courts of this State; shall take, receive and possess all moneys, goods, chattels, and bonds which may be given them, and shall apply the same according to the wish of the donors to the purpose herein declared; and they shall have power by purchase or otherwise to take, demand, hold and possess rents, land, tenements and hereditaments in special trust and confidence, and apply the same together with the benefits arising therefrom, for the purpose of supporting the school to be known and styled as "The Winterville High School."
Trustees, term of office.	SEC. 2. That the full term of office of trustees shall be six years: <i>Provided</i> , that the first six mentioned in section 1 of this act shall hold office until the annual meeting of the said association in nineteen hundred and six (1906), second six until said meeting in nineteen hundred and four (1904, third six until said meeting in nineteen hundred and two (1902), and their successors for six years from the date of their election, subject,
Removal.	however, to the removal on the part of the said association for improper conduct, inefficiency, or neglect of duty.
Trustees to be members of Baptist church.	SEC. 3. That all trustees shall be members in good standing of churches, belonging to the Neuse White Missionary Baptist Association and be elected by said association in regular session, except in case of death, disqualification or removal from office, on the part of a member, whose place shall be supplied by the Board of Trustees until the next annual meeting of said association.
How elected.	
Failure to attend meetings for two years, may be removed.	SEC. 4. That if any of the trustees shall fail to attend a meeting of the said trustees continuously for a term of two years, the association at a regular meeting may declare his seat vacant and proceed to fill the vacancy.



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. Trustees to report.

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. Local Executive Committee.

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 regular 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. Officers and teachers, appointment and removal.  
Religious qualification of teachers.  
Powers of trustees.

SEC. 8. That the 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. Meetings of trustees.  
Quorum.  
Notice.

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 public taxation. Property 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 the association in its annual meeting; with the consent, however, of said association so obtained, 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 said school, or the cause of education within said association, to execute notes for sums borrowed and to secure the same by mortgage or deed of trust. Powers of trustees.

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

SEC. 12. That it shall be unlawful for any person or persons to manufacture, sell, give or dispose of any spirituous, malt or any other intoxicating liquors at or within three miles of said Winterville High School and any person violating the provisions of this section shall be deemed guilty of a misdemeanor. Manufacture or disposal of intoxicating liquors within three miles of school, misdemeanor.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 59.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF FRANKLIN COUNTY TO ISSUE BONDS FOR THE PURPOSE OF PAYING FOR THE CONSTRUCTION OF A STEEL BRIDGE ACROSS TAR RIVER AT LOUISBURG, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Franklin County Commissioners authorized to issue bonds to pay for bridge.

SECTION 1. That for the purpose of paying the outstanding orders issued by the Board of Commissioners of Franklin County in payment for the construction by the Converse Bridge Company of Chattanooga, Tennessee, of a steel bridge across Tar River, and for funding the outstanding indebtedness of said county, or for both or either of said purposes, the Board of County Commissioners of the said county of Franklin are hereby authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of ten thousand dollars of such denominations and in such proportions as said board may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent per annum with interest coupons attached payable semi-annually at such times and at such place or places as may be deemed advisable by said board; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the Board of Commissioners may determine.

Interest rate.

When and where payable.

Form of bonds.

When and where principal payable.

Minimum price for bonds.

SEC. 2. That none of the bonds provided for in the above section shall be disposed of either by sale, exchange, hypothecation, or otherwise, for a less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than those declared in said section.

Restricted use.

Receivable for taxes, etc.

SEC. 3. That the said bonds and coupons shall be receivable in payment of taxes or other public dues in said county, and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time that they have been outstanding after maturity.

No interest after maturity.

How executed.

SEC. 4. That said bonds shall be signed by the chairman of the Board of Commissioners of Franklin County and countersigned by the clerk of said board, and shall express upon their face the purpose for which they are issued.

What to contain.

Commissioners authorized to levy and collect special tax.

SEC. 5. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the Board of Commissioners of said

county shall annually and at the time of levying other county taxes levy and lay a particular tax on all such persons and subjects of taxation on which the said Board of Commissioners now are or may hereafter be authorized to lay and levy taxes for any purpose whatever; said tax shall be so levied and laid as to raise a sum sufficient to pay off the interest upon said bonds and to provide for the payment of the principal of said bonds at maturity, and shall be collected in the manner and at the times other county taxes are collected by the Sheriff of said county, whose bond shall be liable therefor as for other county taxes, and the said Sheriff shall pay over the same to the County Treasurer in like manner as other county taxes are paid and the bond of the said County Treasurer shall be liable therefor as for other moneys and property coming into his hands by virtue of his said office: *Provided*, that the special tax levied under this act shall not exceed in any one year fifteen cents on the one hundred dollars worth of real and personal property or forty-five cents on the poll, and that the constitutional equation between the poll and property tax shall always be preserved.

Amount of tax.

Method of collection.

Sheriff's liability.

To pay over to County Treasurer.

Treasurer's liability.

Maximum of special tax.  
Constitutional equation.

SEC. 6. That it shall be unlawful for the said Commissioners, Sheriff, Treasurer, or any other person to use or appropriate the taxes collected under the authority of this act for any other purpose or purposes than those herein declared.

Use restricted.

SEC. 7. That for the purpose of disposing of said bonds the said Commissioners are hereby authorized to advertise for bids for the whole or any part thereof, and may accept or reject any or all of such bids or dispose of said bonds in any other manner which in their discretion they may deem best for the said county, subject, however, to the restrictions contained in section 2 of this act.

Disposal of bonds.

SEC. 8. That the clerk of said Commissioners shall keep a book in which he shall keep an account of the number and denomination of said bonds issued as aforesaid and to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds, which shall be paid, taken in, or otherwise cancelled, so that by inspection of said book the true status of the bonded debt of said county herein provided for may be readily ascertained. The said book shall be open at all times to the inspection of any taxpayer of said county.

Clerk to keep record of bonds.

To keep account of cancelled bonds and coupons.

SEC. 9. That as soon as the said bonds are issued, signed and countersigned as herein provided, the said Commissioners shall place the same in the hands of the Treasurer of said county, who shall countersign the same and deliver them to such purchaser or purchasers thereof upon their compliance with such

Issuing, countersigning and delivery to purchasers of said bonds.

Treasurer to make out and return account of number, denomination and recipient of said bonds.  
To receive and hold proceeds.

terms as may be designated by said Commissioners by special order entered of record in their proceedings; and the said Treasurer shall make out and return to the said Commissioners an accurate account of the number and denomination of the said bonds and to whom and when delivered. And the said Treasurer shall receive all proceeds of the sale and disposal of said bonds, hold said proceeds subject to the order and direction of said board and be responsible for the safe custody and keeping of said proceeds, as by law it is now provided he shall be for the custody and keeping of the moneys of said county as Treasurer of said county.

Misuse of funds, misdemeanor.

SEC. 10. That it shall be unlawful and a misdemeanor to use the funds arising from the sale of said bonds for any purpose other than those expressed in this act; and any person convicted of violation of this provision shall be fined or imprisoned at the discretion of the Court.

Penalty.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 60.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF HIGH POINT, CHAPTER 238 OF THE PRIVATE LAWS OF 1891.

*The General Assembly of North Carolina do enact:*

Chapter 238, Private Laws, 1891, amended.

SECTION 1. That section 29 of said chapter be amended, after the word "secretary" add the words "who may not be a member of the Board of Aldermen."

Providing for condemnation of land for water-works and sewerage.

SEC. 2. That section 58 of said chapter be amended, after the word "intended" in line 26 thereof add the following: "That when any land or right of way shall or may be required or needed for the purpose of laying water pipes, mains or sewer, or for other necessary objects, or advisable for water-works or sewer for said city and for want of agreement for compensation therefor, and the same can not be purchased from the owner or owners, the same may be taken (not exceeding 30 feet wide) at a valuation to be made by three freeholders of the county to be chosen by the Aldermen, and in making said valuation said freeholders, after being sworn by the Mayor or a Justice of the

Procedure.

Peace or Clerk of a Court of record, shall consider the damages which may accrue to the owner in consequence of the land used by the city, which sum shall be paid to the owner or owners of said property and report the same to the Board of Aldermen under their hands and seals, which report on being confirmed and accepted by the Board of Aldermen and spread upon their minutes shall have the effect of a judgment against the said Board of Aldermen, and shall pass the title to the Board of Aldermen in their corporate capacity, of the land so taken, and the land may be at once condemned and used for the purpose of water-works and sewer.

Report.

Effect of report.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 61.

## AN ACT TO INCORPORATE THE FRUITLAND INSTITUTE IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Z. V. Brevard, W. A. Smith, Charles French, Toms, J. Williams, A. T. Hart, Erwin Maxwell, W. L. Richards, B. Jackson, J. C. Freeman, A. I. Justice, L. P. Patillo, W. J. Baldwin, R. M. Prior, J. S. Rhoades and J. T. Pace, their successors, be and are hereby declared to be a body politic and corporate for the purpose of conducting under the auspices of the Carolina Baptist Association a school of high grade in the village of Fruitland, in Henderson County, for the education of boys and girls, to be known as the Fruitland Institute, and by this name and style shall have continual succession for a term of sixty years, and a common seal and shall be able in law to sue and be sued, contract and be contracted with, plead and be impleaded, in all the Courts of this State; shall take, receive and possess all moneys, goods, chattels and bonds which may be given them, and shall apply the same according to the wish of the donors to the purpose herein declared; and they shall have the power by purchase or otherwise to take, demand, hold and possess all kinds of personal and real property, rents, lands, tenements and hereditaments in special trust and confidence and apply the same together with the benefits arising therefrom for the purpose of sup-

Corporators.

Corporate purposes.

Corporate name.

Corporate powers.

Property applied to support of school.

porting the school to be known and styled as the Fruitland Institute.

**Directors.** SEC. 2. That the said trustees shall for all legal purposes be regarded as a Board of Directors and the said board shall elect one of their number president, one treasurer, and one secretary, or may, if they desire, elect the same member secretary and treasurer.

**Trustees, term of office.** SEC. 3. That the full term of the office of trustees shall be three years: *Provided*, the first five mentioned in section 1 of this act shall hold office until the annual meeting of the said association in the year 1903, the second five until the meeting of 1902, and the third five until the meeting in 1901, and their successors for three years from the date of their election, subject, however, to removal on the part of the said association for improper conduct, inefficiency or neglect of duty.

**Removal for cause.** SEC. 4. That all trustees shall be elected by said association in regular session, except in case of death, disqualification or removal from office on the part of a member whose place shall be supplied by the Board of Trustees until the next annual meeting of the association.

**Election of trustees.** SEC. 5. That if any one of the trustees shall fail to attend two consecutive meetings without satisfactory excuse, the trustees attending may in their discretion declare his office vacant.

**Failure to attend meetings, office may be declared vacant.** SEC. 6. That the 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.

**Trustees' report.** SEC. 7. That the trustees shall have power to appoint a local executive committee to perform such duties as may be designated by the said trustees.

**Local executive committee.** SEC. 8. That the said trustees shall have the power to elect 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. They shall also have power to make all rules and regulations not inconsistent with the laws of this State for the government of the said school.

**Election of officers and teachers.** SEC. 9. That the 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 the time, place, and object of the meeting shall have been given verbally or mailed to all the members of the Board of Trustees.

**Removal for cause.**

**Trustees' power to make rules, etc.**

**Time for meetings of trustees.**

**Quorum.**

**Notice.**

SEC. 10. That the lands and property belonging to the said trustees for the benefit of the said school shall be and the same are hereby exempted from all kinds of public taxation.

Property exempt from taxation.

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

No individual liability.

SEC. 12. That it shall be unlawful for any person to manufacture, sell or give away any cigarettes, spirituous, malt, vinous or other intoxicating liquors or cider except such cider as is manufactured by the party selling or giving the same away from fruit, and then only at the place of manufacture at or within three miles of the said Fruitland Institute, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction or confession in Court of such guilt shall be fined not less than \$50.00 or imprisoned not less than 30 days, for which judgment shall not be suspended except upon appeal.

Manufacture or disposal of intoxicating liquors within three miles, misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 62.

### AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF THE TOWN OF GRAHAM IN THE COUNTY OF ALAMANCE, TO ISSUE BONDS FOR THE ESTABLISHMENT OF A SYSTEM OF WATER-WORKS FOR SAID TOWN

*The General Assembly of North Carolina do enact:*

SECTION 7. That for the purpose of raising money to build, erect, construct, and establish a system of water-works for the town of Graham, in the county of Alamance, the Mayor and Commissioners of said town are hereby authorized to issue bonds of said town to an amount not exceeding fifteen thousand dollars, payable at such place as they may designate. Said bonds shall bear not exceeding six per cent interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they may run, and said coupons shall be receivable for town taxes after their maturity. Said bonds shall be in form and in denominations as shall be prescribed by said Mayor and Commissioners, and shall mature in not less than thirty nor more than fifty years, from the date of their issue, and shall be signed by the Mayor and Commissioners of said town of Graham, and attested by the corporate seal of said town, and the Mayor and Commissioners shall keep a record of the amount of

Mayor and Commissioners of Graham authorized to issue bonds.

Amount.

Interest.  
Coupons.

Receivable for town taxes.

Denominations of bonds.  
Time of maturity.

How executed.  
Record thereof to be kept.

said bonds, the date of the issue, and to whom payable, and date of maturity.

**Minimum price.** SEC. 2. That said bonds shall not be sold, hypothecated, or otherwise disposed of, for less than their par value, nor shall their proceeds be used for any purpose other than that mentioned in section one of this act.

**Use restricted.** SEC. 3. That for the purpose of providing for the payment of the interest as it falls due, and for the purpose of redemption of the same at maturity, said Mayor and Commissioners at their regular meetings for levying other town taxes, shall levy and lay a special tax on all persons, property and subjects of taxation under the laws of this State, and allowed by its charter, and the various amendments thereto, or which may by future amendments become subject to taxation, sufficient to pay the accruing interest on said bonds, and after twenty-five years from their date of issue, a sufficient amount to pay the said bonds as they fall due.

**Special tax authorized.** SEC. 4. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified voters of said town of Graham at the regular election to be held

**Act must be submitted to voters.** in said town for the election of a Mayor and Commissioners on the first Monday in May, nineteen hundred and one (1901). That it shall be the duty of the said Mayor and Commissioners of

**Time of election.** said town to advertise that such election is to be held on that day, and to have this act published in the papers published in said town for twenty days before said election is held, and to provide at the polling place where the town officers are to be voted

**Advertisement of election.** for, a separate box for holding the election on the question of water-works or no water-works, and those approving this act shall

**Separate ballot box to be provided.** vote a printed or written ballot with the words "For Water-Works" thereon, and those disapproving of this act, a printed or written ballot with the words "Against Water-Works" thereon.

**Form of ballots.** That the same poll-holders appointed to hold the election for Mayor and Commissioners shall hold said election on the question herein submitted to the voters of said town, and if it shall appear by the returns of said election that a majority of all the

**Poll holders.** qualified voters of said town have voted in favor of approving this act, then the said bonds may be issued in accordance with the provisions of this act, otherwise not.

**Majority of qualified voters approving, bonds may issue.** SEC. 5. That all laws in conflict with this act are hereby repealed.

**Conflicting laws repealed.** SEC. 6. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.



## CHAPTER 63.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF WELDON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 29, chapter 83, Laws of 1891, be amended as follows, by striking out clause 6 of section 29, chapter 83, of Laws of 1891, and inserting in place thereof, "Upon every permission by Board of Commissioners of Halifax County to retail within corporate limits of town of Weldon spirituous, vinous or malt liquors by the small measure, tax not to exceed five hundred dollars, and not less than two hundred dollars; to sell spirituous, vinous, or malt liquors in quantities of one quart and less than five gallons a tax not to exceed five hundred dollars, and not less than fifty dollars, and in quantities of five gallons or more a tax not to exceed fifty dollars."

Chapter 83, Laws  
1891, amended.

Amount of  
license to sell  
liquors in Weldon  
fixed.

SEC. 2. That the Board of Commissioners of the town of Weldon may elect one of their number, or some other discreet person in said town, Mayor *pro tem*, or who shall act as Mayor, and be clothed with all the authority and powers invested in the Mayor, whenever the Mayor is absent, sick, or otherwise unable to discharge the duties of the office.

Mayor pro tem.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 64.

## AN ACT AUTHORIZING THE TOWN OF WAYNESVILLE TO USE CERTAIN FUNDS NOW ON HAND FROM THE SALE OF GRADED SCHOOL BONDS, FOR THE PURPOSE OF CONSTRUCTING WATER-WORKS AND SEWERAGE FOR SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor and Board of Aldermen of the town of Waynesville in the county of Haywood and State of North Carolina, are hereby authorized and empowered to use all the funds and moneys now in the Town Treasury which have been left over from the sale of graded school bonds after the purchase and equipment of graded school buildings as provided in chapter

Mayor and Aldermen of Waynesville authorized to use surplus funds from sale of graded school bonds for building water works.

485, Public Laws of 1899, for the purpose of constructing water-works and sewerage for the said town of Waynesville.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 65.

### AN ACT TO AMEND THE CHARTER OF DALLAS, IN GASTON COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Aldermen of Dallas authorized to grade and macadamize streets, etc.

May condemn land for new streets.

Condemnation procedure.

Report of assessors of damages.

Effect of report.

SECTION 1. That the Board of Aldermen of the town of Dallas, Gaston County, North Carolina, shall have power to grade, macadamize and pave the streets and sidewalks of said town, and to lay out and open new streets and sidewalks, and to widen or otherwise alter the same, and to make such improvements thereon as they may deem necessary or convenient. That when any land or right of way shall be required for the purpose of opening new streets or sidewalks or for widening or otherwise altering those already opened, or for other purposes authorized by this act or the charter of said town, and for want of agreement as to the value thereof or other cause, the same can not be purchased from the owner or owners, the same may be taken at a valuation thereof to be made by three freeholders of said town, to be chosen by the Board of Aldermen of said town, and in making the said valuation the said freeholders, after being duly sworn by the Mayor of the said town, or some other person authorized to administer oaths, shall take into consideration the damage that may accrue to the owner or owners in consequence of the taking or condemnation of the land or right of way, also any benefit the owner or owners may receive from the opening, laying out, or widening of such streets and sidewalks or other improvements, and ascertain the sum which shall be paid to the owner of said land, and report the same to the Board of Aldermen of said town under their hands and seals, which report, on being confirmed by said board, and spread upon their minutes, shall have the effect of a judgment against said town, and shall pass the title to said lands to said Board of Aldermen in their corporate capacity: *Provided*, that if any person over whose land the said street or sidewalk may pass or improvement erected, or the Board of Aldermen be dissatisfied with the valuation thus made, then he or

they may appeal therefrom to the next term of the Superior Appeal Court of said county: *Provided, however,* that such appeal shall not hinder or delay the said Board of Aldermen in opening and laying out or widening such street or sidewalk or erecting such improvement.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 66.

### AN ACT TO AMEND CHAPTER 40, PRIVATE LAWS OF 1891. ENTITLED "AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF SALEM."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 40 of the Private Laws of 1891 be amended as follows: That section 21 of said chapter be amended by adding thereto the following: "And the said Chief of Police and all other police officers of said town may execute all such precepts and process anywhere in Forsyth County."

Chapter 40, Private Laws 1891, amended.

Power given policemen to execute certain precepts and process in Forsyth County.

Property subject to taxation.

SEC. 2. That section 41 of said chapter be amended as follows: By adding at the end of clause 1 in the ninth line the following: "That all real and personal property actually situated within the corporate limits of said town on the first day of June shall be subject to said levy whether the person, partnership, corporation, agent or trustee owning or controlling the same shall be residing, domiciled or doing business in said town or elsewhere. All such persons shall be liable to the provisions contained in said chapter as to the duty of citizens and residents in said town to list their property for taxation, and shall be subject to all provisions contained in said chapter which impose any fine or penalty for failure or refusal to do so."

Liability of property owners to list, and penalties for failure.

SEC. 3. That section 55 of said chapter be amended by adding thereto the following: "That where there is no sidewalk and never has been any in existence in convenient walking order along any lot in said town, the owner may be required to pay such portion of the expenses of making a sidewalk along such lot as three disinterested assessors, freeholders of said town, to be appointed by the Commissioners may estimate that the property is enhanced in value by such improvement: *Provided,* that the owner shall have the privilege of building said sidewalk along his lot immediately and in the manner prescribed by the Commissioners instead of paying the amount assessed; and if the

Owner of property along street, required to pay for building sidewalk in proportion to enhanced value of property by reason thereof.

Owner privileged to build sidewalk.

Failure of owner to make sidewalk when so ordered or pay assessment, it shall be made by town and amount assessed be a lien on the property. Procedure to enforce lien.	owner of such lot shall neglect or refuse to put down said sidewalk when directed to do so by the Commissioners and shall refuse or neglect to pay the amount assessed against him by the Treasurer of the town, said sidewalk shall be made by the town and the amount assessed against the owner of such lot shall be a lien on same, and if not paid on demand so much of said lot shall be sold as may be sufficient to pay said assessment and the cost under the same rules and regulations, rights of redemption and savings as are prescribed in said chapter for unpaid taxes. Before making such assessment, the assessor shall appoint a time and place of meeting, and shall give at least three days' notice thereof to all persons interested, stating the purpose of such meeting and after being duly sworn by the Mayor or other competent person, they shall proceed to make the assessment and
Notice of time of assessment to interested parties.	report the same to the Mayor in writing: <i>Provided, however,</i> that either party may appeal to the Superior Court of Forsyth County, where all questions of amount of assesment and other
Assessor's report. Appeal.	issues and questions of fact shall be tried by a jury under the direction of a Judge, but the Commissioners, notwithstanding the appeal, may proceed with the work. That the owner of a lot which shall front on a street on which a sidewalk has been established, shall repair and improve said sidewalk in such a manner as the Commissioners may direct, as far as it extends
Proceedings after appeal.	along such lot, and upon failure to do so immediately upon notice by the Commissioners to such owner, or if he is not a resident, to his agent, or if he has no agent, thereafter advertisement at the court-house door and at said lot for five days, the Commissioners may cause the same to be repaired in such a manner and with material as to them may seem proper, and the ex-
Owners of property required to repair and improve sidewalk in front thereof.	penses shall be paid by the person in default, and said expense shall be a lien on said lot, and if not paid on demand such lot or so much thereof as is necessary shall be sold by the collector of taxes to pay said expenses and costs of sale under the same rules, regulations, restrictions, rights of redemption and savings as are prescribed in said charter for sale of land for unpaid taxes. That the power of special assessment herein granted as to repairing existing sidewalks may be exercised by the Mayor and Commissioners pursuant to such ordinances as they may estab-
On failure, commissioners may make improvement at expense of owner, said expense to be a lien on the property.	lish, which are made to apply alike to all property owners along each street or portion of street improved: <i>Provided only,</i> that the burden imposed on each citizen's property must be in the proportion to the advantages it may derive therefrom.
Failure to pay, procedure.	
Powers herein granted, how and by whom exercised.	
Burdens imposed must be in proportion to advantages derived.	

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 67.

AN ACT TO INCORPORATE THE TOWN OF ROSE HILL, IN  
THE COUNTY OF DUPLIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Rose Hill, in the county of Duplin, Incorporated, be and the same is hereby incorporated by the name and style of Corporate name, Rose Hill, and shall have the benefit of and be subject to all Privileges and benefits of existing law. the provisions of law now existing in reference to incorporated towns, not inconsistent with this act.

SEC. 2. That the corporate limits of such town shall be as fol- Corporate limits, lows: Beginning at a point one-half mile due north of the centre of the intersection of Main Street with the Wilmington and Weldon Railroad, thence running due east one-half mile, thence due south one mile, thence due west one mile, thence due north one mile, thence due east one-half mile to the beginning.

SEC. 3. That the officers of said town shall consist of a Mayor, officers, five Commissioners and a Constable, and the Commissioners shall have power to appoint a Clerk and Treasurer, and such other officers as they shall deem necessary in the discharge of their corporate duties.

SEC. 4. That said Commissioners shall have and exercise all Powers of commissioners, such corporate powers and duties as are conferred upon Commissioners of corporate towns under chapter sixty-two, volume two, of The Code, and said chapter shall be applicable in every respect Chapter 62, Vol. 2 of Code, applicable, to said town.

SEC. 5. That until an election is held on the first Monday in Present officers, May next, the following named persons shall fill the offices, viz.: Mayor, W. B. Southerland; Clerk and Treasurer, W. G. Fussell; Constable, F. M. Sontherland; Commissioners, W. H. Fussell, W. D. Henderson, J. C. Mallard, C. C. Boney and D. T. Carr.

SEC. 6. That the County Commissioners of Duplin County shall Provisions as to license to sell intoxicating liquors in said town, not grant license to any person or persons to sell any intoxicating liquors within the corporate limits of said town, except upon the request of a majority of the Commissioners of said town of Rose Hill, and any license granted except upon such request shall be utterly void.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

CHAPTER 68.

AN ACT TO ALLOW THE CITY OF HIGH POINT TO ISSUE BONDS FOR FIFTY THOUSAND DOLLARS (\$50,000.00) IN ADDITION TO ACT OF CHAPTER 157 OF PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

Aldermen of High Point authorized to issue bonds.	SECTION 1. That the Board of Aldermen of the city of High Point is hereby authorized and empowered to issue bonds in the name of the city of High Point in such denominations and forms as it may determine, to an amount not exceeding fifty thousand dollars, payable at such times and places as the Board of Aldermen may prescribe: <i>Provided</i> , that the time of payment of such bonds shall not be less than thirty years and more than sixty years from their date.
Maximum amount.	
Time of payment.	
Interest rate.	SEC. 2. That the said bonds shall bear interest at no greater rate than five per cent per annum, and the interest shall be made payable annually or semi-annually, as the Board of Aldermen may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.
Payable annually.	
Minimum price.	
How executed and attested.	SEC. 3. The said bonds shall be signed by the Mayor, attested by the city Secretary and Treasurer, and sealed with the corporate seal of the city and shall have interest coupons attached thereto, which 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 the city taxes. That for the purpose of paying said bonds at maturity, and the 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 each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, and in manner and at the same time as other taxes are collected under said charter: <i>Provided</i> , that the total rate of taxes, both general and special, shall never exceed one dollar and fifty cents on each hundred dollars valuation of property: <i>Provided further</i> , that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid 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 report not less than twice a year to the Board of Aldermen, the number and amount of coupons cancelled.
Interest coupons.	
Exempt from city taxes.	
Coupons receivable for city taxes.	
Aldermen to levy and collect special tax.	
Maximum rate of taxation.	
Purpose and use restricted.	
Treasurer to cancel paid coupons and report.	
Majority of qualified voters must authorize bond issue.	SEC. 4. That the Board of Aldermen shall not issue said bonds, nor any of them, nor collect said tax until they shall have been

authorized and empowered so to do by a majority of the qualified voters of said city, and at an election or elections to be held at such times and places as the said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said city; and at the said election or elections those favoring the issue of said bonds or of any of them as specified in the call of such election or elections, and the levy and collection of the tax for the payment of said bonds and coupons, shall vote "Issue," and those opposed to it shall vote "No Issue:" *Provided*, that the said board may in its discretion order a new registration of voters.

Election

Notice.

Form of ballots.

New registration.

SEC. 5. That the board may call an election under this act at any time it may see fit, after giving the proper notice and observing the general election laws of the State; and the rejection by the voters of any proposition submitted to them under this act, shall not prevent the same or other propositions to the said voters at any time that the said Board of Aldermen may appoint, and that the said board may continue to call elections under this act until the whole amount of fifty thousand dollars shall have been issued.

Election, how and by whom called.

Other elections.

SEC. 6. That said bonds may be issued for the purpose of building or buying, conducting or operating an electric light plant and an electric power plant, gas plant, or both, and to furnish lights for streets of said city and lights for private use to its citizens, if the Board of Aldermen see fit, and to charge for said lights and power furnished for private use, and to erect, build, buy and operate water-works, and to supply private citizens water and charge for same, and to maintain and operate water-works and to furnish for the use of the city; to build, construct, enlarge and maintain the sewer system; to build a city hall and market house, and other necessary buildings, and to rent stalls or other parts of public buildings, and to grade, curb, and macadamize, pave, and improve the streets of the city, and to build a chapel for the use of graded school: *Provided, however*, that the said Board of City Aldermen shall, in the resolution calling the election and the notice of the people of said election, state the maximum of the amount of bonds to be issued under said election, and the purpose or purposes for which the said bonds are to be issued specifying the maximum amount to be issued for each purpose, and the bonds shall be issued for no other purpose than that specified as aforesaid: *Provided*, that the purchaser of said bonds shall not be required to see the application of the purchase-money.

Purposes of bond issue.

Maximum amount of bonds to be issued by virtue of any election, to be stated in the notice thereof. Bond issue restricted to purposes specified.

Board of Aldermen to control works existing or established under this act.

SEC. 7. That the said Board of Aldermen shall have entire supervision and control of any and all of the parts or works now established, or hereafter established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the city not otherwise appropriated, and do all other proper things to carry into effect the true intention of this act.

Conflicting laws repealed.

SEC. 8. All laws or parts of laws in conflict herewith are hereby repealed.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 69.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHERRYVILLE.

*The General Assembly of North Carolina do enact:*

Chapter 214, Private Laws 1889, amended.

SECTION 1. That section six, chapter two hundred and fourteen, of the Private Laws of one thousand eight hundred and eighty-nine, be amended by striking out the word "sixty" in line four and inserting in lieu thereof the words "one dollar and eighty," and by striking out the word "twenty" in line five of said section and inserting in lieu thereof the word "sixty."

Power to open new streets.

SEC. 2. That the following be added as a new section to said chapter, to be numbered section nine, to-wit: "That the Board

Power to widen, enlarge, etc., streets.

of Commissioners shall have power to lay out and open new streets within the corporate limits of the town, whenever by them deemed necessary, and have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and

Authority to condemn lands for street purposes.

shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof; but in case the owners of the land and the Commissioners can not agree as to the damages, then the

Arbitrators.

matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then

Procedure in condemnation proceedings.

the Sheriff of the county shall, in his stead, select one for him, and in case the two arbitrators chosen as aforesaid can not agree,



they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained, and the benefit accruing to the owner in consequence of the change; and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the Commissioners the right to use the land for the purposes specified, and all damages agreed upon by the Commissioners or awarded by the arbitrators or umpire shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the Superior Court, as now provided by law.

Award of arbitrators conclusive.

Damages, how paid.

Appeal.

SEC. 3. That among the powers hereby conferred on the Board of Commissioners, they may borrow money or create a public debt, not to exceed the sum of ten thousand (\$10,000) dollars, by issuing bonds or otherwise, only after they have passed an ordinance by a three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof, thirty days' notice shall be given of such election in some newspaper published in Gaston County, at which election those who favor creating the debt shall vote "Approved," and those who oppose it shall vote "Not Approved." The board may order a new registration of voters at any and all such elections if they deem it proper to do so.

Commissioners may borrow money and issue bonds, if authorized by three-fourths of the board and majority of registered voters.

Notice of election.

Form of ballots.

New registration.

SEC. 4. That section nine of said chapter be numbered section ten.

Section 9, Chapter 214, Private Laws 1889, numbered Section 10.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 70.

#### AN ACT TO CORRECT STATE GRANT NO. 1875.

*The General Assembly of North Carolina do enact:*

SECTION 1. That State Grant No. 1875 for the county of Macon (now Swain County), issued to Jas. K. P. DeHart on the 19th day of September, 1855, he and the same is hereby corrected as follows: The sixth (6th) call of said grant shall read as follows: "Thence west 140 poles to a stake and pointers; thence north 130 poles to the beginning;" *Provided*, that nothing contained in this act shall tend to raise any cause of action in regard to the land described in said grant, that may be barred by the

Grant No. 1875, for Macon County (now Swain), issued to Jas. K. P. DeHart, corrected.

Statute or limitations not interfered with by this act.

statute of limitations, nor operate to prejudice the rights of any claimant under a junior patent to said land that may have been lawfully recorded, nor interfere with the vested rights of any person accrued prior to the ratification of this act.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 71.

### AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE, HAYWOOD COUNTY, TO ISSUE BONDS TO CONSTRUCT WATER-WORKS AND SEWERAGE.

*The General Assembly of North Carolina do enact:*

Mayor and Board of Commissioners of Waynesville authorized to issue bonds.

SECTION 1. That the Mayor and Board of Aldermen of the town of Waynesville, Haywood County, North Carolina, for the purpose of constructing water-works and sewerage and supplying the town with water, are hereby authorized and empowered to issue bonds, bearing interest at the rate of five (5) per centum per annum from date of their issue to an amount not exceeding fifteen thousand dollars in denominations of one thousand dollars each; and to 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 and July of each and every year, until the maturity of said bonds; the bonds issued to run for a period of thirty (30) years, and shall be numbered consecutively, and the coupons shall bear the number corresponding to the bond, to which they shall be 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 municipal taxes levied by said town.

Interest.

Maximum amount of bonds. Denominations. Interest coupons.

When payable.

When bonds mature. Numbering of bonds and coupons.

What to contain.

Coupons receivable for taxes.

Bonds, how executed.

How disposed of.

Minimum price.

SEC. 2. That the said bonds shall be issued under the signature of the Mayor of said town and attested by the signature of the Treasurer and Clerk of said town with the seal of said town affixed thereto, and the Mayor and Board of Aldermen of said town shall sell and dispose of said bonds as soon after the ratification thereof hereinafter provided for, as they may deem best for the interest of said town, at a price not less than their par value, by public or private sale after giving not less than ten days' notice thereof, and the amount of said bonds to be sold. It

shall be the duty of the Treasurer and Clerk of said town to make and keep a record of the bonds sold, the number of bonds purchased, the name of the purchaser, and the price received for the same. Record to be kept.

SEC. 3. In order to pay the interest on said bonds the Mayor and Board of Aldermen of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax on all the polls and on all the real and personal property which shall be returned or listed for general taxation in said town, always observing the constitutional equation between the tax on property and the tax on polls, not to exceed twenty-five cents on the one hundred dollars valuation of property and seventy-five cents on each poll, with which to regularly and promptly pay the interest on said bonds, said taxes to be collected in the same manner and at the same time the other taxes of said town are collected and shall be paid over by the Town Tax Collector to the Treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former for collecting and paying over, and the latter for the safe keeping and proper disbursement of said funds. It shall further be the duty of the said Mayor and Board of Aldermen to provide for the collection of rents and 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 solely for the purpose of maintaining said system of water-works and sewerage, and the surplus, after paying the expenses of the maintenance of said system, shall be used as a part of the sinking fund hereinafter provided for, for the redemption of said bonds, until they have been fully redeemed.

To levy special tax.

Maximum amount of tax.

How collected.

To whom paid over.  
Officers bonds.

Rents and water charges.

Revenues derived from, to be used in maintaining water works system.

Surplus, if any, to form sinking fund.

SEC. 4. That the taxes levied and collected for the purposes specified in section three of this act shall be kept separate and distinct from all other taxes and shall be used only for the purposes for which they were levied and collected, and any Mayor or Aldermen who shall appropriate, by vote or otherwise to any purpose directly or indirectly other than that for which they were levied, any of said special taxes or any part thereof, or shall in any way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the said taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose the amount in excess shall be applied to the credit of the interest fund for the next succeeding year, and the said Mayor and Board of Aldermen at the time of levying taxes for the payment of interest for the next succeed-

Special tax to be kept separate.

Use.

Penalty for diverting to other uses or violating provisions of this act.

Any excess after payment of interest applied to interest fund for next year.

ing year, shall take into consideration said excess and shall compute and levy said tax accordingly.

To create sinking fund.

SEC. 5. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall be the duty of the Mayor and Board of Aldermen, at and after the expiration of twenty (20) years from date of said bonds, to annually levy and collect a special tax in addition to that mentioned in section three of this act, and the tax provided for in this section shall equal in amount one-tenth (1-10th) of the amount of bonds issued under this act after deducting the amount of the sinking fund received from the profits derived from running said water-works as hereinbefore provided for; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as hereinafter provided for in section six of this act, and the accrued profits from running said water-works shall be sufficient to pay off the principal of all outstanding bonds, then said Mayor and Board of Aldermen shall cease to levy said tax for the sinking fund.

Amount of sinking fund tax.

When board shall cease to levy sinking fund tax.

Investment of sinking fund and profits.

SEC. 6. That it shall be the duty of said Mayor and Board of Aldermen to annually invest any and all moneys arising from the special tax collected under section five of this act and from the profits of running said water-works in the purchase of any of said bonds at a price deemed advantageous to said town by said Mayor and Board of Aldermen; but in case said bonds can not be purchased as herein provided, the said Mayor and Board of Aldermen may lend said sinking fund or any part thereof in such sums as they may deem proper for a length of time not exceeding beyond six months prior to the maturity of said bonds, taking as security for the payment thereof, and for payment of the interest thereon, mortgages or deeds in trust in the name of the Mayor of said town, on sufficient real estate, or bonds issued under this act may be taken as collateral security for said loans. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Board of Aldermen of the town of Waynesville and shall bear interest payable annually at a rate not less than six (6) per centum per annum; and in case the Board of Aldermen for said town shall not be able to lend any or all of said money annually as above directed, they may, and it shall be their duty, to cause such part as they are unable to invest to be deposited with some bank of undoubted solvency at the best obtainable rate of interest, and any and all interest arising from the investment above directed shall be re-invested in the manner as above provided. But any Mayor or Aldermen of said town who shall be personally inter-

If loaned out, when due.

Security.

Security, to whom executed.

Interest rate.

Money not invested to be deposited in bank.

Officers personally interested in loan guilty of misdemeanor.

ested, directly or indirectly, in any such loans shall be guilty of a misdemeanor.

SEC. 7. The said Mayor and Board of Aldermen are hereby authorized and empowered and it shall be their duty to secure to said town by purchase, lease, condemnation or otherwise according to law, all such rights of way for water mains, reservoirs, stands, dams or necessary land adjoining or surrounding the source of supply for said water-works as may be necessary for the construction, maintenance and preservation of said water-works system and of the water supply thereof in a healthy and sanitary condition. And in order to carry out the purpose and provision of this section the Mayor and Board of Aldermen of said town may expend such sum or sums as may be necessary out of the proceeds of the sale of said bonds or the rents and profits derived from running said waterworks. The title to all such lands and rights of way as may be procured under the provisions of this section shall be taken to and in the name of the Board of Aldermen of said town of Waynesville in fee or otherwise as the said board may direct.

Board to secure lands and rights of way necessary to erect and maintain water works and sewerage, and construct the same out of proceeds of bonds.

Title to lands taken.

SEC. 8. That the said Mayor and Board of Aldermen shall not issue said bonds or any part thereof until they shall have first 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 ratification of this act or its rejection, of issuing the bonds herein provided for or not issuing them, of levying the taxes provided for in sections three and five of this act or of not levying said taxes, which they are authorized to do at such time as they deem best for securing the voice of the people of said town on the question within twelve months after the ratification of this act. The said election shall be advertised by the Mayor and Board of Aldermen for thirty (30) days next preceding the day of election in some newspaper published in said town, and held in the same manner and under the same rules, laws and regulations as are or may be provided for the election of the officers of the said town. Those who are in favor of ratifying this act, issuing said bonds and levying and collecting said taxes provided for in sections three and five of this act shall vote a written or printed ticket or ballot with the word "For Ratification, Bonds and Taxes" thereon, and those who are opposed to the ratification of this act, the issuing of said bonds and the levying and collecting the said taxes, shall vote a written or printed ballot with the words "Rejection, Against Bonds and Taxes" thereon. The result of said election shall be ascertained by the officers thereof under the rules and regulations provided by law for holding elections in said town and certified and returned by them to the Mayor

Election before bond issue.

When held.  
Advertisement.

How held.

Form of ballots.

How result ascertained and certified.

To be recorded.

Majority of qualified voters ratifying it, bonds to issue.

and Board of Aldermen of said town within two days from the day of election, who shall officially find what such finding is and cause the same to be recorded in their minutes and records of said town of Waynesville. And if a majority of the qualified voters of said town vote "For Ratification, Bonds and Taxes," then the Board of Aldermen and Mayor of said town shall issue said bonds.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 72.

#### AN ACT TO REPEAL CHAPTER 103, PRIVATE LAWS OF 1897.

*The General Assembly of North Carolina do enact:*

Chapter 103, Private Laws 1897, relative to a ferry between Pasquotank and Camden counties, repealed. Proviso.

SECTION 1. That chapter one hundred and three, Private Laws of 1897, entitled "An act to amend chapter 27, Private Laws of 1873 and 1874," be and the same is hereby repealed: *Provided*, the owners of the established ferry shall provide ample facilities for the convenience of public travel.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 73.

#### AN ACT TO AUTHORIZE THE CORPORATION OF MARION, N. C., TO ESTABLISH AND OPERATE A SYSTEM OF WATER-WORKS AND SEWERAGE, AND TO ISSUE BONDS THEREFOR.

*The General Assembly of North Carolina do enact:*

Marion, N. C., authorized to establish water-works and sewerage.

SECTION 1. That the corporation of Marion, N. C., through its Board of Aldermen or their legally constituted agent or agents, be and is hereby authorized and empowered to establish and maintain a system of water-works and sewerage, either or both, for the use of the said city and its citizens and of persons living in its suburbs, and to that end may purchase, hold, establish,

maintain and operate all necessary lands, works, machinery and appliances wherewith to furnish a sufficient quantity of pure and wholesome water and a proper system of sewerage, either or both.

SEC. 2. For the foregoing purpose it shall be lawful for the said corporation of Marion to issue and sell at a price not less than par the coupon bonds of said corporation to an amount not exceeding fifty thousand dollars (\$50,000), said bonds to be in denominations of five hundred dollars (\$500) and to run for a period of thirty years from the issue of the same, and to bear interest at a rate not exceeding six per centum per annum, payable semi-annually on the first day of June and December of each year after their issue.

May issue bonds.  
Selling price.  
Amount.  
Denominations.  
Maturity.  
Interest, etc.,  
when payable.

SEC. 3. Said bonds and coupons shall be consecutively numbered and signed by the Mayor and Clerk of the corporation of Marion, and it shall be the duty of said Clerk to keep an accurate account of the same.

How numbered  
and executed.  
Account to be  
kept.

SEC. 4. The coupons of said bonds shall be receivable by the Tax Collector and Treasurer of the corporation of Marion in payment of all taxes and dues to the said city.

Coupons receiv-  
able for town  
taxes.

SEC. 5. It shall be lawful for the said corporation of Marion in addition to supplying the demands of the said city as hereinbefore provided, to provide water and sewerage, either or both, for private use at a uniform rate to be prescribed by the Board of Aldermen for said town, and the receipts arising from said rentals shall be kept by the Treasurer of said town and shall be applied to the payment of interest on said bonds as the coupons may fall due and for the further purpose of creating a sinking fund of one thousand dollars per annum or more, which sinking fund it shall be the duty of the authorities to lay aside annually from any funds in the Treasury not otherwise appropriated, and from any surplus arising from said rentals in excess of amount sufficient to pay the interest on said bonds and the sinking fund above provided for may be temporarily applied to the payment of operating expenses of said water-works plant or sewerage plant, either or both as the case may be, and any deficiency in the amount necessary for the payment of either sinking fund, interest, or operating expenses shall be paid from the current tax receipts of said town and shall be charged as necessary "water expenses."

Purposes of water  
works

Receipts from  
rentals, how  
applied.  
Sinking Fund.

How applied.

Deficiency, how  
supplied.

SEC. 6. It shall be unlawful for the said authority of said corporation of Marion to use the sinking fund herein provided for otherwise than as provided for and it shall be the duty of the Board of Aldermen of said corporation to safely invest at not less than the legal rate of interest, annually, the sinking fund

Use of sinking  
fund restricted.

Investment of  
sinking fund.

May purchase bonds.

herein provided for under the advice of the city attorney, or said Board of Aldermen may purchase at a price not exceeding the face value of the said bond or bonds, any of the outstanding bonds herein provided for from any person desiring to dispose of same.

Fiduciaries authorized to invest trust funds in said bonds.

SEC. 7. All administrators, guardians and other persons acting in a fiduciary capacity are hereby authorized and empowered to invest the funds intrusted to them in said bonds.

Location of plant, water-shed, reservoir, etc.

SEC. 8. The Board of Aldermen of the corporation of Marion, whose duty it is to erect or purchase a water-works plant provided for in this act, shall appoint three freeholders of the corporation of Marion, who, with the assistance of an engineer to be employed by the corporation, shall locate the site for said plant and who shall survey, map out and designate by proper metes and bounds, an ample water-shed to secure the purity of water flowing and draining into the stream from which said water supply may be taken, and locate and plan a suitable reservoir for said water supply.

Persons depositing dead carcasses, filthy, poisonous or other substance that will render water unwholesome, in stream or water-shed supplying water, guilty of misdemeanor.

SEC. 9. Any person who shall wilfully place or deposit in the stream from which said water supply may be taken, or any of its tributaries or upon the ground drained by them or any of them within a distance from said reservoir so marked and designated by the three freeholders and engineer aforesaid, or upon the water-shed herein provided for, any dead carcass of any animal or any filthy or poisonous substance or any other substance or thing by which the water of said stream or its tributaries may become liable to be rendered unwholesome, contaminated or otherwise unfit for domestic purposes, shall be guilty of a misdemeanor, and fined or imprisoned or both at the discretion of the Court.

Penalty.

Establishments erected on water shed deleterious to the water, a nuisance.

SEC. 10. It shall be unlawful for any person to erect, establish or maintain upon the water-shed of the stream upon which the said water-works plant may be located or any tributary thereof within the boundaries and marks and designations provided for in this act, any establishment or works the effect of which in its operation or use shall be deleterious to the water of the stream upon which said plant shall be located or its tributaries above the points and boundaries named, and any such establishment, contrivance and works is hereby declared to be a public nuisance: *Provided*, that all such establishments, contrivances and works which are standing, established and maintained at the time of the survey provided for in this act shall be condemned as provided in this act for condemning land, and shall be removed.

Those established at time of survey to be condemned and removed.



SEC. 11. It shall be the duty of the Superintendent of Health of the county of McDowell alone or together with the Board of Health of the corporation of Marion to exercise due surveillance over the water-shed, streams and tributaries mentioned in the preceding section, and to report to the Board of Aldermen of the corporation of Marion, whose duty it shall be to abate the nuisance forbidden in the manner provided by existing laws.

Water-shed, streams and tributaries under surveillance of McDowell County Board of Health. Report to aldermen. Their duty.

SEC. 12. Any person who shall wilfully injure any or the property of said water-works plant or in any manner wilfully and maliciously interfere with or obstruct the operation of its works, or shall cast, throw, place or deposit any deleterious substance in any of the filters, common mains, pipes, tanks, reservoirs or other receptacle of water connected with said water-tank or water-works, shall be guilty of a misdemeanor and fined or imprisoned or both at the discretion of the Court.

Wilful injury to or interference with plant, etc., misdemeanor.

Penalty.

SEC. 13. The Board of Aldermen and engineer of the corporation of Marion and any other agent or agents appointed by said Board of Aldermen, are hereby authorized and empowered to enter upon the lands of all persons, firms and corporations within or without the limits of said corporation, for the purpose of making the surveys provided for in this act, laying or putting down any pipes, drains, machinery or appliances, or for the purpose of erecting any reservoir or other necessary building or doing any other act necessary to be done towards the erection and maintenance of such system of water-works or sewerage, either or both, and towards the maintenance and protection of the same when erected, and the said board may condemn such real estate, easement, or interest in real estate as may be necessary for the purpose of this act and make a record of their proceedings upon their minutes and cause the same to be registered in the Register's office of McDowell County.

Rights of eminent domain granted.

Condemnation of property needed.

SEC. 14. That when any person or persons whose lands are taken, used or condemned under the provisions of this act claims damages thereof and within thirty days, petitions the Board of County Commissioners of McDowell County for a jury to assess the damages, the said Commissioners within not less than fifteen nor more than sixty days after the taking possession of said lands and filing said petition, shall order a jury of three disinterested freeholders to be summoned by the Sheriff or Constable as provided by law, who shall give said land owners or their local representatives and the Mayor of the corporation of Marion, N. C., forty-eight hours' notice of the time and place, when and where said jury will meet to assess damages; and it shall report in writing its finding to the Board of County Commissioners for confirmation or revision: *Provided*, that if said land owner

Damages, how claimed and assessed.

Notice. Report.

Notice to non-residents.	be a non-resident of the county and have no local representative, it shall be deemed sufficient service of such notice for said Sheriff or Constable to forward by United States mail a written notice of the purpose, time and place of meeting of said jury to the last known post-office address of such land owner seven days in advance of such meeting, and also to post a notice of such meetings at the court-house door of said county.
Right of appeal.	SEC. 15. That in case the land owner or his local representative or corporation of Marion, North Carolina, shall be dissatisfied with the findings of the jury as provided for in this section and with the decision of the County Commissioners, such dissatisfied party may appeal from such decision of said County Commissioners to the Superior Court of the county, all such appeals being governed by the law regulating appeals from Courts of Justice of the Peace, and the same shall be heard <i>de novo</i> ; but the Judge may in his discretion require said land owner to give bond when the case is taken by appeal to the Superior Court.
Procedure.	
Election to be held. Time.	SEC. 16. An election shall be held at the court-house in the town of Marion on the first Tuesday in April, 1901, for the purpose of ratifying or approving by a majority of the qualified voters of the said town, the issuance of the bonds herein provided for. The amount of such issue shall be determined by a resolution of the Board of Aldermen, etc. It shall be the duty of the Mayor to cause publication of this act to be made and published at the court-house door and ten other public places in said corporation not less than ten days immediately preceding said election, not including Sundays: <i>Provided</i> , after said election is held it shall be conclusively presumed publication was had.
Amount of issue to be determined and published.	
Publication presumed after election held. Registrar.	SEC. 17. The Board of Aldermen of the corporation of Marion, North Carolina, shall appoint a registrar of voters for the said corporation of Marion, North Carolina, who shall register such citizens of such city as are not at present registered, and who would then be entitled to register and vote at the said election if it were an election for Mayor, and shall cause publication and
Registration.	notice to be given with the published notice of this act, that an election will be held as provided herein, and the amount of bonds to be issued under and by virtue of such election and in pursuance of the resolution of said board fixing the amount thereof: <i>Provided</i> , after such election is held it shall be conclusively presumed that such published notice was given.
Notice of election.	SEC. 18. That the registrar shall, before entering upon the duties of his office, take an oath to perform them according to law. He shall keep the registration books open at the court-house in Marion, N. C., from 10 o'clock a. m. to 4 o'clock p. m.,
Registrar's oath.	
Registration books to be kept open, when.	

for three days prior to the election, not including Sunday. He shall register at such times all persons not already registered whom he considers would be qualified to vote in an election for Mayor of said corporation, and shall administer to them the oath prescribed for electors offering to register and vote in the mayoralty elections in said corporation.

SEC. 19. The Board of Aldermen of said corporation shall appoint two judges of election, who shall take an oath of office before entering upon the discharge of their duties, that they will perform the same faithfully and according to law. It shall be the duty of the registrar and judges to open the polls on the day of the election within one hour after sunrise and keep them open until after sundown. They shall hear any challenges made on the day of the election and pass upon the right of the elector to vote. They, together with the registrar, shall count the vote and within two days after said election certify to the Board of Aldermen of the corporation of Marion the votes cast and how cast, and the result of the election. It shall be the duty of the said Board of Aldermen on the third day after the election to canvass the returns and declare the result of the election and spread the returns and result as ascertained by them upon the minutes of the said Board of Aldermen and certify under the seal of the said corporation a copy of their minutes in reference thereto to the Register of Deeds of McDowell County, who shall record the same in the records kept in his office for recording results of election certified to his office.

SEC. 20. The ballots to be used in the election herein provided for shall be of white paper and without device, and the ballots of those who desire to vote for the issuing of bonds and the payment of the bonds and interest shall vote a ballot containing the word "Water" and those opposed to issuing bonds shall vote a ballot containing the words "No Water," and the bonds shall be issued and paid, as herein provided for, in case a majority of the qualified voters of said town shall vote "Water."

SEC. 21. That in case the Board of Aldermen shall fix for the election to be held in April, 1901, the amount of the bonds, proposed to be issued, at less than fifty thousand (\$50,000) dollars, or in case the election at such time is against the issuance of said bonds as herein provided, the said Board of Aldermen may, at any other time they deem proper to do so, fix by resolution the amount of bonds or any additional amount of bonds to be issued as herein provided for and for the purposes herein expressed and after advertising for thirty days at the court-house door in Marion and at ten other public places in said town that

Who can register.

Electors' oath.

Judges of election.  
Oath.

Polls, when opened and closed.

Challenges.

Count of votes.

To certify results.

When aldermen to canvass returns and announce results.

Copy to be certified to Register of Deeds and recorded.

Form of ballots.

If authorized by majority of qualified voters, bonds to issue.

Subsequent elections provided for.

an election will be held upon the question of issuing bonds under said act, and the purposes and amount of such bonds and the time of holding such election, which shall be determined by said Board of Aldermen, an election shall be held at such time as is provided in said resolution, and under the rules and regulations and in the manner herein prescribed: *Provided*, that the total amount of the bonds which may be issued under and by virtue of this act, that after any election is held under this act, it shall be conclusively presumed that the same was held as herein provided for and that all advertisement and orders of the Board of Aldermen required to be made before holding such election were given as required by law.

Maximum  
amount of bond  
total.

Conflicting laws  
repealed.

SEC. 22. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 23. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

#### CHAPTER 74.

### AN ACT TO INCORPORATE THE TOWN OF EAST SPENCER IN THE COUNTY OF ROWAN.

*The General Assembly of North Carolina do enact:*

Incorporated.

Corporate name,  
Chapter 62, of The  
Code, consistent  
with, made part  
of this act.

Corporate limits.

SECTION 1. That the town of East Spencer, called Southern City, in the county of Rowan, is hereby incorporated by the name and style of the town of East Spencer, and the provisions of The Code contained in chapter sixty-two (62) of The Code of North Carolina, not inconsistent with this act, is hereby made a part of this act and charter.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake on the east edge of the east side of the right of way of the North Carolina Railroad at a point known as the Trexler Crossing near the residence of the late John D. Trexler, and runs thence in a northeasterly direction with the edge of said right of way, 110 chains to a stake in edge of said right of way below the Earnhart property, thence S. 32 E. 30 chains to a stake, thence S. 57 W. and parallel with the right of way of the North Carolina Railroad 110 chains to a stake, thence N. 32 W. 30 chains to the edge of the said right of way of the North Carolina Railroad, the beginning corner, said lands and boundaries being on the east side of the North Carolina Railroad. No part of the said road shall ever

be included in the corporate limits of said town and said limits shall never be extended to so include the same.

SEC. 3. That the officers of said town shall consist of a Mayor, four Aldermen, a Tax Collector and Police, and the Aldermen, when qualified as required by law, may elect a Town Clerk and other town officers necessary to the preservation and regulation of the town's best interest.

SEC. 4. That until the election hereinafter provided for, Mayor and the four Aldermen provided for in the preceding section of this act shall be as follows: Mayor, J. T. Blair; Tax Collector, M. L. Parker; Aldermen, J. M. Small, J. N. Barringer, G. W. Bell, Ed. Fesperman, who shall hold their respective offices until their successors are elected or appointed and qualified. The Board of Aldermen after having taken the oath prescribed by law, may elect a Town Police and Clerk, for Collector and Treasurer, and such other town officers as may be needed, and require of them such bonds payable to the State for the faithful performance of the several duties as to the said board may seem just and reasonable.

SEC. 5. That there shall be held on the first Monday in May, one thousand nine hundred and two (1902), (the general election laws of the State to be observed), and every two years thereafter in some convenient place in said town to be designated by said Board of Aldermen by notice of the time and place thereof, posted in three public places in said town, and published in some newspaper published in said county for four consecutive weeks, an election for a Mayor and four (4) Aldermen, who shall hold their offices until their successors are qualified.

SEC. 6. That after the first election held in pursuance to the provisions of the preceding section, the said Board of Aldermen may dispense with the notice of the time and place for holding the election provided for in this act: *Provided*, they shall establish by ordinance or otherwise a permanent polling place in said town.

SEC. 7. That any qualified elector in this State shall be eligible as Mayor or Alderman: *Provided*, he shall have resided within the corporate limits of said town for six months next preceding the day of election.

SEC. 8. That all persons entitled to vote in the county of Rowan for members of the General Assembly and who shall have been *bona fide* residents of the town of East Spencer ninety days (90) 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.

Town officers.

Present officials.

Term of office.

Qualification of Board of Aldermen and election of other officers.

Official bonds.

Biennial elections.

Time, place and notice thereof.

After 1902 notice of time and place of holding elections dispensed with, if permanent polling place established.

Eligibility to office.

Who entitled to vote.

Manufacture or sale of intoxicants prohibited.

Establishment and penalty for violation of town ordinances.

Procedure after conviction and judgment for violation of town ordinances.

Failure or refusal to pay fine, procedure.

Criminal jurisdiction of Justices of the Peace conferred on Mayor.

Warrants, by whom and where served.

Power to lay out, open, enlarge, change, extend and discontinue streets.

Not to cross or interfere with railroad property.

Condemnation of land.

SEC. 9. There shall be no intoxicating liquors, wines, or beers manufactured or sold within said town.

SEC. 10. The Board of Aldermen of said town may adopt and enact such ordinances, rules and regulations for the government of said town and preserving and abating nuisance as in their judgment may seem reasonable and just, and may enforce the same by fine, not exceeding \$50.00 or imprisonment not exceeding thirty (30) days on the public roads of the county, or be worked on the streets of said town.

SEC. 11. When any person has violated or does hereafter violate any ordinance that the Board of Aldermen may enact, the Mayor may enforce the same by a fine for its violation or a term to be served on its streets or on the public roads of the county as set forth in the preceding section, and when any person is ordered to pay a fine and shall fail or refuse to pay the same, then the Mayor shall issue a commitment to its officer or to the Sheriff of said county to receive said person and shall state in said commitment the number of days the said person shall work on the streets or public roads aforesaid, and its officer or the Sheriff shall thereupon turn said person over to the proper authorities to be worked on the said streets or roads.

SEC. 12. The Mayor of said town shall have the same criminal jurisdiction over all criminal matters arising within the limits of said town that Justices of the Peace now have, in addition to the jurisdiction of violations of the ordinances of said town, and his warrants may be served anywhere in the county by the town officers or the Sheriff of the county.

SEC. 13. That in addition to the powers conferred on the Aldermen in the incorporated towns enumerated in chapter sixty-two (62) of The Code of North Carolina, and which is hereby made a part of this charter, the said Aldermen shall have power to lay out and open any new street or streets within the corporate limits of said town whenever by them deemed necessary, and of the necessity thereof the said Aldermen are to be the sole judges within the said corporation, but they shall never cross the railroad or interfere with the railroad property. And they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof, within the corporate limits of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners of the lands sought to be condemned or appropriated for public use by the Aldermen, and if the Aldermen can not agree as to the compensation, then the matter shall be referred to arbitration,

the Aldermen and owners of the land, each choosing one freeholder and a qualified elector of said town, and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator, then the Mayor shall in his stead choose such arbitrator for him or her, and in case the two chosen as aforesaid can not agree, then the arbitrators so chosen shall elect an umpire like qualified as themselves, whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by [and] the benefits accruing to owners in consequence of the taking and appropriating of said land, and award to the said owner the amount if any [which] shall be paid by the town for the use of the land so taken, and the award of the arbitrators shall be conclusive of the right of the parties, and shall vest in the Aldermen the right to use the land for the purposes for which it is condemned, and the damages agreed upon between the owners of land and the Board of Aldermen, as awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the Superior Court of Rowan County.

Arbitration on failure to agree on compensation.

Proceeding on failure of owner to choose arbitrator.

Award and assessment of damages.

Effect of award.

Damages, how paid.

Appeal.

SEC. 14. That the said board may prohibit the running at large of horses, cattle, hogs, sheep, jacks, goats and such other live stock in the corporate limits of said town, and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in this section, as well as other live stock not mentioned from roaming at large in the corporate limits of said town, contrary to the ordinances of said town.

Live stock regulations.

SEC. 15. That the said Board of Aldermen are hereby empowered to enact such police regulations as may be necessary for the government of the town.

Police regulations.

SEC. 16. That the Tax Collector shall collect the taxes of said town and shall have the same right, powers and authority as the Sheriff of the county now has or may hereafter have for the collection of State and county taxes, and said Tax Collector shall be governed by the same laws, rules and regulations in regard to the collection of taxes and levies and sales for taxes, that said Sheriffs are governed by for the collection of State and county taxes, but before said Tax Collector shall have any right or authority to collect taxes, he shall give a good and sufficient bond to said town to be appointed by the Aldermen of said town in such sum as they may deem sufficient. The said Tax Collector shall be *ex officio* a peace officer of said town, with full power and authority to serve the processes of said town anywhere in the county, and the Board of Aldermen may combine in one the office of Policeman and Tax Collector, if they should so desire.

Taxes, rights, powers, authorities, rules, laws and regulations governing the collection thereof.

Tax collector to give bond before authorized to collect.

Tax collector *ex-officio* a peace officer.

Aldermen may combine offices of policeman and tax collector.

Taxes, when levied.

Maximum amount.

Assessment of property same as for county and State.

State Laws and Constitution to govern assessments, levy and collection.

Salaries of officers.

Uses of taxes, costs and penalties.

Mayor may work persons failing to pay fines, etc., on streets.

Privilege or license taxes.

State Revenue Laws made part of this act.

Public School District boundaries.

County authorities to establish.

Name of district.

Apportionment of funds.

Appointment of committees.  
To construct school building.

When school to begin.

Application of school taxes collected from property in said town.

SEC. 17. The Board of Aldermen shall at the time State and county taxes are levied, annually levy an *ad valorem* tax on all property, real and personal, not exceeding 25 cents on every one hundred dollars worth of property, as assessed for State and county taxes, and according to the same valuations assessed for State and county taxes, and shall place a per capita tax on every male residing within said town liable to pay poll taxes as now provided by law, a poll tax not exceeding 75 cents per head; the Constitution and laws of the State to be observed in the assessing of property, the levy of taxes, and the collection of taxes and sales of property for the same.

SEC. 18. The Board of Aldermen may fix the salaries of the officers of said town, and pay the same from any money in the hands of its Treasurer; taxes, costs, and penalties shall be used as the said Aldermen may deem for the best interest of said town.

SEC. 19. The Mayor may work on the streets of said town all persons failing to pay his or their fines and penalties, instead of sending them to the public roads of the county as prescribed above.

SEC. 20. The said Board of Aldermen at the time of levying *ad valorem* and poll taxes, shall levy such privilege or license tax on trades, shows, exhibits and on such things as are liable for a tax under the revenue laws of the State then in force. The revenue laws of 1901, of this State, and every revenue law hereafter of the State, shall be made a part of this act to govern and enable the said Aldermen to levy such license tax as they may desire.

SEC. 21. The town of East Spencer and within a radius of one-half mile or less, from the corporate limits of said town east of the railroad, shall constitute a public school district, and the proper county authorities who have the right to lay off school districts and establish school districts, shall proceed at once to establish a free public school district by the name of East Spencer District for the school children of said district, and the proper authorities as provided by law shall apportion, appropriate, and set aside for this district all the school funds it may be entitled to and appoint school committees to take charge, look after and proceed to erect, equip, and construct a public school-house for the white children of said town, with whatever aid and donations they may be able to get, and said school shall be proceeded with as early as possible, and be in operation not later than the fall term of public schools of that year. The Board of Aldermen of said town shall apply all its school taxes collected from the property in said town toward this school.



SEC. 22. The Board of Aldermen of said town shall have the right to borrow a sum not exceeding one thousand dollars for the purpose of this school, aid in erecting a school-house, building a town hall or Mayor's office, repairing the streets of said town, and may pledge the faith and credit of said town to secure the same, and execute a bond or note in the name of the town signed by the Mayor thereof, with the seal of said town, and attested by the Tax Collector of said town. That said note or bond shall be valid and legal in every respect in the hands of the *bona fide* holder thereof.

Aldermen authorized to borrow money.

Amount.  
Purposes.

May execute bond or note.  
How executed.

SEC. 23. That the said town shall have the right to sue and be sued, sign all legal documents or papers, execute its notes and bonds in its corporate name as the "Town of East Spencer," and by this name shall transact all of its business. The said Aldermen may fine and remove any of its officers for cause or neglect of duty.

Corporate powers of town.

Fining and removal of officers.

SEC. 24. That the Board of Aldermen shall have the right to fill all vacancies in the offices of said town, caused by death, removal from said town, resignation or otherwise.

Vacancies, how filled.

SEC. 25. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of February, A. D. 1901.

## CHAPTER 75.

AN ACT CONCERNING THE ASHEVILLE AND SPARTANBURG RAILROAD COMPANY, AND AUTHORIZING THAT COMPANY TO BUY OR LEASE, OR TO BE LEASED BY ANY RAILROAD IN THE STATE OF SOUTH CAROLINA, TO CONSOLIDATE, OR TO BE CONSOLIDATED WITH ANY RAILROAD COMPANY OWNING OR OPERATING A RAILWAY OR RAILWAYS IN THE STATE OF SOUTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That authority hereby is given to the Asheville and Spartanburg Railroad Company to consolidate or to merge its railroad with, or to buy or lease, or to be leased by, any railroad or railroads in the State of South Carolina, or to consolidate or to be consolidated with any railroad company or com-

Asheville and Spartanburg Railroad Company authorized to consolidate, etc., with certain railroads in South Carolina.

panies, owning or operating a railway in the State of South Carolina, with which it may connect, either directly or indirectly; and any such other company shall have the right to consolidate, merge, sell or lease its railroad with or to the Asheville and Spartanburg Railroad Company, and such consolidation merger, sale or lease may be made between the Asheville and Spartanburg Railroad Company and any other such company, upon

Majority of stockholders to agree on terms.

such terms and conditions as may be agreed upon by a majority of the stockholders of each corporation, entitled to vote at all stockholders' meetings; and on like terms and conditions the said Asheville and Spartanburg Railroad Company may sell or lease its railroad to any other such railroad company; and power hereby is given to any other such railroad company organized under the laws of this or of the State of South Carolina, to take such lease or to make such purchase: *Provided*, that nothing

Said company not exempted from any taxes it would have been liable to without sale, merger, consolidation, etc.

herein contained shall be construed to exempt said railroad company or any other road with which it may be consolidated or otherwise acquire under this act, from any taxes imposed by any general law of the State upon railroad property or franchises, and if said railroad company shall consolidate with or acquire under this act, any other road whose property or franchises are now exempt from taxation, such exemption shall cease

and such property and franchises of any and all such companies as may be consolidated or acquired under the provisions of this act shall be subject to taxation in like manner as the property and franchises of companies which are subject to taxation under the laws of this State: *Provided*, that this act shall not have the effect of ousting the jurisdiction of the Courts of this State, over causes of action arising within the State: *Provided further*, that any and all corporations consolidated, leased or organized under the provisions of this act, shall be or shall become domestic corporations of North Carolina, and shall be subject to the laws and jurisdiction thereof.

Jurisdiction of the courts of this State not ousted. All corporations consolidated, leased or organized under this act, domesticated.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 76.

## AN ACT TO INCORPORATE THE STATESVILLE LOAN AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That D. M. Ausley, C. M. Steele, W. J. Hill, Eugene Morrison, J. F. Armfield and their associates, successors and assigns are hereby constituted a body corporate by the name of the "Statesville Loan and Trust Company," by which name said corporation shall have all franchises, rights, powers and privileges incident to a corporation, and shall so continue for the term of sixty years.

SEC. 2. That the capital stock of said corporation shall be twenty-five thousand dollars, to be divided into shares of the par value of one hundred dollars each, with the privilege to said corporation of increasing the same to an amount not exceeding one hundred and fifty thousand dollars.

SEC. 3. The corporators above named or any three of them may open books of subscription, and whenever one hundred shares shall be subscribed, a majority of the above-named corporators may call a meeting of the subscribers to said stock at any time and place, and on such notice as they may deem sufficient, and may organize by the election of a board of five directors or more, who shall hold office for one year or until their successors are elected, and said directors shall elect the necessary officers. The company shall have authority to transact business whenever one hundred shares have been subscribed and twenty per centum paid thereon, the balance to be paid in as called for by the directors. The capital stock may be increased from time to time either by additional subscriptions of stock or by application of the surplus earnings of the corporation. And if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the shareholders *pro rata*. At all stockholders' meetings each share shall be entitled to one vote either in person or by proxy.

SEC. 4. The corporation created shall have power to make contracts, to have and use a common seal, to sue and be sued, complain and defend in any Court as fully as natural persons; to buy, lease, hold, improve, possess and convey real and personal property; to act as agent in leasing and collecting rents of real estate; to make by-laws for the regulation and management of the company, to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

Corporate powers.	SEC. 5. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the Board of Directors may determine, and issue its notes, certificates or registered, or coupon bonds under its corporate seal. It may receive money on deposit, on open account, or on certificate of deposit, and pay interest thereon or not. It may receive on deposit for safe keeping, gold, silver, paper money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title or other valuables of any kind, and charge commission or compensation therefor.
Special deposits.	
Corporate powers.	SEC. 6. That said company may loan money on mortgage or deed of trust conveying real or personal property, or on other security; may buy and sell real estate, stocks, bonds and other security; may discount bills of exchange, foreign and domestic, promissory notes and other negotiable papers. In case any borrower from said company fails to meet his obligations, it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and in case of sale of either real or personal security make title to the purchaser.
Costs and expenses of collection, etc.	
May act as agent, trustee, etc.	SEC. 7. The said company may act as the fiscal or transfer agent of, or trustee for, any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.
May act as executor, administrator, guardian, trustee, receiver, etc.	SEC. 8. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, agreement, grant, assignment, transfer, devise, bequest or otherwise or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commissions as may be fixed by law, or as may be agreed on. In lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver, or other fiduciary, it shall be lawful, and before assuming any such trust under order of any Court, the said company shall file in the office of the Clerk of the Superior Court of Iredell County an undertaking with sufficient security, with either personal sureties or bonds, of the State of North Carolina, or of the
Powers and duties as such.	
Compensation.	
May file general bond with Clerk Superior Court, Iredell County.	

<p>United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the Court, and to be approved by the said Clerk, and the said undertaking so secured may be accepted by the said Clerk, and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said company by order of any Court of North Carolina as aforesaid. In case of willful default in the performance of any trust so committed to said company as aforesaid, the said undertaking may be sued upon by the party injured, or his personal representative, in the Superior Court of any county of North Carolina, where such default may have been made (and the Superior Court of Iredell County, when it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all said trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same. A copy of such undertaking duly certified by the seal of the Superior Court of Iredell County, and if secured by the 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 in evidence in all the Courts of North Carolina. And the Superior Court, wherein the said company shall have been appointed guardian, executor, administrator, receiver, trustee or depositor shall have the power to make orders respecting such trusts, and to require the said company to render all accounts which said Court might lawfully make or require, as if such trustees were a natural person. And in accepting any of the trusts or powers hereunder the said corporation may qualify by any of its executive officers.</p>	Amount of bond.
<p>SEC. 9. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business, in all its branches, and may receive deposits in small sums, the limit to be fixed by its Board of Directors, and pay interest thereon, by way of dividends out of the net earnings, or at fixed rates, according as it may be agreed between the company and its directors; and the Board of Directors are hereby authorized to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of this corporation.</p>	Willful default, procedure.
<p>SEC. 10. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton, tobacco and other produce, and to charge and receive commissions, rents and compensation for the storage</p>	Superior Court of Iredell County may require said bond to be enlarged.
	Certified copy of said bond shall be evidence.
	Superior Court appointing said company fiduciary, to control.
	How to qualify.
	Authorized to conduct savings bank business.
	By-laws, etc.
	May conduct warehouse and storage business.
	Charges first lien on property stored.

and keeping thereof, which charge shall constitute a first lien upon the property so stored, make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, form of receipts, insurance of property stored, and all matters affecting the safe and prudent conduct of such business, make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, 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.

Powers connected with storage business.

Receipts for stored property negotiable instruments.

May conduct general banking business.

SEC. 11. The said corporation may receive and pay out lawful currency, and deal in exchange, gold and silver coin and bullion; may discount notes, drafts and other sureties; may issue bills or notes to circulate as currency in such denominations as the Board of Directors may authorize, and under such regulations as may be hereafter authorized and provided by the laws of this State and the United States, and shall have all the rights, powers, privileges, and franchises incident to banking institutions in this State, and if money be deposited with said corporation by a minor or *feme covert*, either as an investment or otherwise, such money may be withdrawn by such minor or *feme covert* without the consent of the parent or guardian, or the husband of the *feme covert*, and his or her check therefor shall be as binding upon such minor or *feme covert* as though he or she were of full age and unmarried.

Money deposited by minor, *feme covert*, etc., how withdrawn.

Individual liability of stockholders.

SEC. 12. That no stockholder shall be individually liable for any debt, contract or tort of the corporation, nor shall he be responsible to the corporation itself beyond the amount of stock subscribed, which shall be forever non-assessable.

Stock, how transferred.

SEC. 13. That the stock of this corporation held by anyone shall be transferred only on the books of the company, either in person or by 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, 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 stockholders.

Corporation has superior lien for balance due on stock.

Location of offices.

SEC. 14. The said company may establish offices and agencies, or transact business at such places, as it may deem proper. The principal office shall be in Statesville, in Iredell County, in North Carolina.

Investment of trust funds.

SEC. 15. The said company shall have discretionary power to invest the funds received by it in trust in the bonds of the

United States, or of any State, or in the bonds duly authorized to be issued by any county, or incorporated city, or other good security, or in safe, real and personal securities; but all such investments shall be at the sole risk of the company, and for any losses by reason of such investments, the capital stock, property and effects of said corporation shall be absolutely liable. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

At sole risk of company.  
Capital stock liable for loss.

Duty of company to enhance income of trust funds if possible.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

#### CHAPTER 77.

#### AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE PRIVATE ACTS OF THE GENERAL ASSEMBLY OF EIGHTEEN HUNDRED AND NINETY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-two (152) of the Private Acts of the General Assembly of eighteen hundred and ninety-nine, entitled "An act to incorporate the Troy Manufacturing Company at Troy, North Carolina," be and the same is hereby amended as follows: In section one of said act strike out the words "Milton L. Jones, Arthur Jones and J. Peel Blair" in lines one and two, and insert in lieu thereof the words "Walter W. Mills, W. O. Mills and W. A. Mills," and in line four of said section strike out the words "The Troy Manufacturing Company" and insert in lieu thereof the words "The Montgomery Railroad Company." In section three of said act between the words "tracks" and "and" in line three of said section, insert the words "of wood, iron or steel rails," and in line fifteen of said section strike out the words "one cent" between the word "exceed" and the word "per" and insert in lieu thereof the words "four and one-half cents."

Charter of Troy Manufacturing Company amended.

Corporators changed.

Corporate name changed.

Section 3 amended.

SEC. 2. That the new incorporators mentioned in the foregoing section are fully authorized and empowered to meet and organize said corporation under existing law, issue certificates of stock and do all other acts with respect to said corporation that they might or could do, had their names been originally inserted in said act in lieu of the names stricken out.

Powers of new incorporators.

Power to take up  
and remove  
tracks, rails,  
cross-ties, etc.

SEC. 3. That said corporation shall have the right to take up and remove the track, rail and cross-ties of any road built by it after eighteen months from the ratification of this act.

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

In the General Assembly read three times, and ratified this the 8th day of February A. D. 1901.

#### CHAPTER 78.

#### AN ACT FOR THE BENEFIT OF JESSE D. WATTS.

*The General Assembly of North Carolina do enact:*

Jesse D. Watts, of  
Rowan County,  
authorized to  
peddle medicines  
of his own manu-  
facture, without  
license.

SECTION 1. That Jesse D. Watts, a disabled Confederate Veteran, of Rowan County, be and he is hereby privileged to vend publicly or privately medicines and medical compounds of his own manufacture, without payment of State, county or municipal taxes.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

#### CHAPTER 79.

#### AN ACT FOR THE RELIEF OF J. M. ALLHANDS, OF POLK COUNTY.

*The General Assembly of North Carolina do enact:*

Polk County  
Treasurer to pay  
J. M. Allhands,  
school teacher,  
\$9.25.

SECTION 1. That the Treasurer of Polk County be authorized and required to pay to J. M. Allhands the sum of nine and 25-100 dollars (\$9.25) out of any money that may be due or may hereafter accrue in School District No. 15, white race, of said county, the same being a balance due for teaching said school.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.



## CHAPTER 80.

## AN ACT TO INCORPORATE THE "CHARITABLE BROTHERHOOD."

*The General Assembly of North Carolina do enact:*

- SECTION 1. That C. M. Little, J. M. Cotton, J. R. Hardison, W. S. D. Eborn, A. C. Widmer, W. A. Roberson, Smith Paul, R. C. Cherry, B. W. Bergeron, W. A. Congleton, H. E. Hodges, W. E. Pippin, R. D. Farrow, citizens of Beaufort County, North Carolina, and their associates and successors, are hereby incorporated Corporators.  
a body politic and corporate. Body corporate.
- SEC. 2. The name of the said corporation shall be the "Charitable Brotherhood," and the principal lodge thereof shall be located at any point or place in the county of Beaufort, North Carolina, as may be designated in its constitution; but the corporators, their associates and successors may extend the work of the said corporation to other counties in the State; and for the purpose of extension may establish local lodges of the "Charitable Brotherhood" and designated by such names as may be provided for in the constitution of said corporation; and all of such local lodges of the Brotherhood shall be under the general supervision and control of the principal lodge of the "Charitable Brotherhood" of Beaufort County, wherever the principal lodge may be located in the said county by the constitution of said corporation as adopted by the membership of the principal lodge of the "Charitable Brotherhood." That the said principal lodge of the "Charitable Brotherhood" shall adopt such constitution and by-laws as it may deem proper for the control, management and regulation of the affairs of the principal lodge and the local lodges of the said "Charitable Brotherhood," and may change or modify the same from time to time as it may deem wise. The said "Charitable Brotherhood" shall be for benevolent and charitable purposes only, a closer union of citizens; that the members thereof may by contribution, taxation of each other, by dues and initiation fees, protect each other and themselves from the hardships of poverty, oppression and misfortune while living, provide for themselves decent burial when dead, and for the protection and assistance of those they leave, of their families, widows, widowers and orphans. Corporate name.  
Location of lodges.  
Relation of local lodges to principal lodge.  
Constitution and by-laws.
- SEC. 3. There shall be no shares or stocks in said "Charitable Brotherhood," and said corporation shall not purchase or hold any property, except such as may be necessary for conducting the business of the said "Charitable Brotherhood," such as lodges for place of meeting etc. Corporate purposes.  
No shares or stocks.  
Property, how much may be holden by corporation.

## Officers.

SEC. 4. That the officers of the said "Charitable Brotherhood" for the principal lodge and for the local lodges shall be a president, a vice-president, a secretary and treasurer, a chaplain, a door-keeper, an assistant door-keeper, a marshal, a lecturer and a sergeant-at-arms, all of which officers shall be elected at such times and hold their respective offices for such terms, and execute such bonds for the faithful performance of their duties and the safe keeping of the funds in his or their hands as may be provided in the constitution of the said "Charitable Brotherhood."

## Election and term of office.

## Bond.

## Corporate powers and purposes.

SEC. 5. That the said "Charitable Brotherhood" shall have all the powers and privileges given to benevolent associations incorporated under the general laws of North Carolina, sue and be sued, plead and be impleaded, and do all and every act requisite and necessary for the purpose of carrying out the object for which the same is incorporated.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 81.

## AN ACT TO INCORPORATE THE TOWN OF MERRY OAKS. IN CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

## Merry Oaks incorporated.

## Chapter 62 of Code applicable.

## Town boundaries.

SECTION 1. That the town of Merry Oaks, in Chatham County, North Carolina, is hereby incorporated as a town, with all the rights, powers, duties and liabilities given under chapter 62, volume 2, of The Code of North Carolina.

SEC. 2. That the following shall be the boundaries of said town: Beginning at the 25 mile post on the R. A. A. L. R. Road, running southward to the county road just east of the J. R. Thomas residence; thence southward to a point southeast of W. T. Edwards' tenement house, known as the Neal place; thence nearly west, running just south of L. E. Rollins' residence to the south end of the siding on railroad; thence northward just west of Mrs. Kate Lasiter's residence, to a point in the path a little northwest of Mrs. Kate Lasiter's tenement house; thence northeast to a stake, corner of A. M. Tucker's lot in J. B. Womack's line: thence east with said Tucker and Womack's line to W. T. Edwards' line; thence nearly east to the beginning.

SEC. 3. That until the next regular election, when their successors shall be elected, the following-named persons shall be the officers of the said town: Mayor, William T. Edwards; Commissioners, Robert J. Yates, John W. Maynard, Lewen E. Rollins, Thomas M. Booth, William P. Holt; Constable, Mumford J. Mann.

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

In the General Assembly read three times, and ratified this the 5th day of February, A. D. 1901.

## CHAPTER 82.

### AN ACT TO CHANGE THE NAME OF THE TOWN OF UNION CITY TO ASHPOLE, AND TO AMEND THE CHARTER THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Union City shall continue to be a body corporate under the name and style of the "Town of Ashpole," and under such name is hereby invested with all the privileges, immunities and franchises, property and all other rights heretofore belonging or appertaining to the town of Union City, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real and personal, for the use of the town as its Board of Commissioners may deem necessary and expedient.

SEC. 2. That Dr. J. P. Brown shall be Mayor and C. B. Thompson, C. T. Cashwell, J. M. Ashley and Dr. W. F. Stephens shall be Commissioners, and W. C. Brown shall be Town Clerk and Treasurer, and William Prevatt shall be Town Constable, and the same are hereby declared the Mayor, Commissioners, Constable and Clerk and Treasurer, with the power and duties of the duly qualified officers of the town of Ashpole, until their successors are elected and qualified as hereinafter provided.

SEC. 3. That the corporate limits of said town shall be and are hereby declared to be included within the following boundaries, to-wit: Beginning at a point one-half mile due north of the intersection of the Inman and Iona roads in the present town of Union City, and runs due east one-half mile, thence due south one mile, thence due west one mile, thence due north one mile, thence due east one-half mile to the beginning, so as to form

Present officers.

Name of Union City changed to Ashpole.  
Transfer of powers, etc.

Officers appointed.

Term of office.

Corporate limits.

a right-angled parallelogram with the intersection of said roads as a centre.

Officers.  
Election.

SEC. 4. The officers of said town shall consist of a Mayor and four Commissioners, to be elected by the qualified voters of said town annually on the first Monday in May.

Election, where held.

SEC. 5. Said election of Mayor and Commissioners shall be held at the Mayor's office in said town, and no person shall be entitled to vote at said election, or at any election held in said town for municipal purposes, unless he shall be an elector of the State of North Carolina, under existing laws and shall have resided ninety days next preceding the day of election within the said corporation.

Registrar and judges of election.

SEC. 6. It shall be the duty of the Commissioners of said town, on the first Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall, within ten days thereafter, be notified of their appointment by the Constable of said town. The registrar so appointed shall immediately make publication at the door of the Mayor's office, and three other public places in said town, of his appointment as such. He shall be furnished with a registration book by the Commissioners of said town and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said town, without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted) for twenty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register, whose names have never before been registered in said town, or do not appear on the revised lists, but the Commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein: *Provided*, there shall be a new registration before the election in May, 1901.

Notice of registrar's appointment.

Registration book revised, etc.

When registration book kept open.

Provisions for new registration.

Registrar's and judge's oath.

SEC. 7. The registrar and judges of election before entering upon the discharge of their duties shall take the oath prescribed by Article VI, section four, of the Constitution of North Carolina, before some Justice of the Peace of Robeson County, or the Mayor of the town of Ashpole.

Provisions for inspection of registration book and challenging voters.

SEC. 8. It shall be the duty of the registrar and judges of election to attend at the polling places in said town, with the registration book on the 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 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 the 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 other time than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Notice to challenged voter.

When name of challenged voter erased.

SEC. 9. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of election held in said town and shall open the polls at seven o'clock a. m. They shall superintend said election and shall keep the polls open until sunset, when the polls shall be closed and the votes for Mayor and Commissioners counted out by them. They shall keep poll books and shall write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the Clerk and Treasurer of said town, and said poll books shall, in any trial for illegal or fraudulent voting, be received as evidence. If for any cause, any of the judges of election shall fail to attend, the registrar shall appoint some discreet person, or persons, to fill the vacancy, who shall be sworn before acting.

When polls opened and closed and votes counted.

Poll books.

Poll lists certified.

Poll books, evidence.

Registrar to fill vacancy in judgeship.

SEC. 10. The voters shall vote by ballot, having the name of the Mayor and Commissioners on one ballot, either in writing or printed on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the Town Clerk and Treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Vote by ballot.

Form of ballot.

Election declared and certified.

Tie, how decided.

SEC. 11. That no person shall be eligible to any office in said town, unless he shall be a qualified voter therein.

Eligibility to office.

SEC. 12. 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.

Notification of officers elect.

SEC. 13. That the Mayor and Commissioners-elect shall, within three days after having been notified by the Town Clerk and

When to qualify

Oath.	Treasurer, before some Justice of the Peace of said county, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed upon them by law.
Refusal to qualify, penalty.	SEC. 14. That any person elected Mayor or Commissioner of said town under the provisions of this chapter, refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of two hundred dollars, one-half to the use of the person suing for the same, and the other half to said town, to be applied by the Commissioners of said town to the use and benefit thereof; the 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.
Disposal of forfeiture and how recovered.	
Town Clerk and Treasurer, and term of office.	SEC. 15. That said Commissioners shall, at their first meeting after their election, select some one as Town Clerk and Treasurer, who shall hold office for one year, or until his successor shall be elected and qualified. He shall act as secretary to the Board of Commissioners and as Treasurer of said town, and before entering upon the discharge of the duties of his office, shall give good and sufficient bond, with sureties, to be approved by the Board of Commissioners of said town, in the sum of one thousand dollars, payable to the State of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as Treasurer of said town, and for the faithful discharge of his duties as secretary of said Board of Commissioners. The Commissioners of said town may require of the Town Clerk and Treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the Commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the State of North Carolina, to the use of the Board of Commissioners of the town of Ashpole against the said official and his sureties.
Duties.	
Bond.	
Amount of bond.	
Conditions.	
Monthly statement.	
Failure to make statement breach of bond, and office declared vacant.	
Suits on bond.	
Constable.	SEC. 16. The said Commissioners shall at the first meeting after their election, select some one to act as Constable of said town, who shall hold his office for one year or until his successor is elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of one thousand dollars, with good and sufficient sureties, to be approved by the Board of Commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing
Term of office.	
Bond.	
Amount of bond.	
Conditions.	

and returning to the proper authority all process that may come into his hands as Constable aforesaid, 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. And the Board of Commissioners may also elect and provide for the pay of such number of policemen and watchmen for said town as in their judgment may be necessary to efficiently carry out and enforce the ordinances and regulations thereof, and the criminal laws of the State in said town. The said policemen and watchmen of said town, when elected, shall be qualified in the manner provided for the Constable, and shall in the enforcement of the general laws of the State and the ordinances and regulations of said town, have all the powers conferred on the Town Constable by the provisions of this act, and the general laws of the State, and such as may be hereafter provided. The said policemen and watchmen may be required to give bond for the faithful discharge of their duties in such sums as the Commissioners may fix, and may be removed by them at any time for neglect of duty, drunkenness, or other cause.

Policemen and  
watchmen.

Oath.

Powers.

Bond.

Removal.

SEC. 17. The Mayor of said town of Ashpole is hereby constituted a special court with all the jurisdiction and powers in criminal offences occurring within the limits of said town which are or hereafter may be given to the Justices of the Peace; he shall preserve and keep the peace, and may cause upon proper proceedings, persons charged or convicted of crimes in other counties or States, who may be found in the town limits, to be arrested and bound or imprisoned to appear at the proper tribunal to answer for their offences. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and rules and ordinances made by the Commissioners of said town.

Jurisdiction of  
mayor.

SEC. 18. That the Mayor may issue his warrants upon his own information of any violation of any town ordinance without a written affidavit, and may issue the same to any Constable of the town, or to such other officers as may be clothed with the powers of the Constable, or to such other officer as the Justice of the Peace may issue his precepts.

Power to issue  
warrants.

To whom  
directed.

Mayor to preside.	SEC. 19. That the Mayor shall preside at all meetings of the
No vote, except in case of tie.	Town Commissioners, and vote in no case except in an equal
Minute of precepts, judicial proceedings, etc.	vote. He shall keep a faithful minute of all precepts issued by
Force of judgments.	him and of all judicial proceedings. Judgments rendered by
Enforcement.	him shall have all the force, virtue and validity as if rendered
	by a Justice of the Peace, and may be executed and enforced
	against the parties in the Courts of Robeson County and else-
	where, and by the same means and manner as if the same had
	been rendered by a Justice of the Peace of Robeson County.
Violation of town ordinances misdemeanor.	SEC. 20. That every violation of a town ordinance shall be a
Penalty.	misdemeanor, and shall be punished by a fine of not more than
	fifty dollars or imprisonment of not more than thirty days.
Imprisonment for fines and discharge.	SEC. 21. That the Mayor shall have power to imprison for
	fines imposed by him under the provisions of this act, and in
	such cases the prisoners shall only be discharged as now or as
	may hereafter be provided by law.
Fines collected, how disposed of.	SEC. 22. That all fines collected under the provisions of the
	foregoing act for violation of town ordinances shall go to the
	use of the said town.
Fees of mayor.	SEC. 23. That the Mayor shall be entitled by law to the same
	fees as a Justice of the Peace in like cases, and an additional
Salary.	salary to be allowed by the Commissioners, if they see fit.
Commissioners, board; quorum.	SEC. 24. That the Commissioners shall form one board, and a
	majority of them shall be competent to perform all the duties
	prescribed for Commissioners, unless otherwise provided. Within
When to convene.	five days after their election they shall convene for the transac-
	tion of business, and shall fix their stated days for meeting dur-
Time for meetings.	ing the year, which shall be as often as once a month during the
Special meetings.	same. Special meetings of the Commissioners shall also be held
	on the call of the Mayor or a majority of the Commissioners, and
	of every such meeting when called by the Mayor, the Commis-
Notice.	sioners not joining in the call to be notified verbally or in
	writing.
Powers of commissioners.	SEC. 25. That the Commissioners shall have power to make
	and provide for the execution of such ordinances, by-laws, rules
	and regulations for the good government of the town as they
	may deem necessary, and shall have power, and it shall be their
	duty, to provide for and secure the peace, good order and tran-
	quility of the town against disturbance by quarrels, loud, pro-
	pane or obscene language, riots, affrays, trespasses or other
	breaches of the peace, or irregularities of whatever nature tend-
Duties of commissioners.	ing to disturb the peace of the citizens. They shall provide for
	the repairing of the streets, sidewalks and alleys, and cause the
	same to be kept clean and in good order, take all proper means



to prevent and extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances, prohibit the indecent exposure of person and prohibit and suppress the sauntering around, advertising or practicing their vocation by lewd women, by imposing such fines and imprisonments, in all cases within the jurisdiction of a Justice of the Peace, as they shall deem adequate.

SEC. 26. That the Commissioners may require the abatement and removal of all nuisances, and shall have power to pull down any old house, barn or other building in said town when the same may be considered dangerous from fire or other causes to the safety of the person or property of adjacent residents: *Provided, however,* that before such removal, the owner of such property shall be notified in writing by the clerk of such board of the action and allowed one month for repairing or removing such building. That all damages may be agreed upon between the Mayor and the party whose property is removed under this section, and in case they can not agree, each shall select a disinterested person, and if they can not agree they may select a third person and the decision of two of these shall be final, except an appeal is filed within ten days.

SEC. 27. That the Commissioners may build or establish a guard-house in which to secure or confine offenders against town ordinances; and for feeding such prisoners the Town Marshal, Constable or other officer shall be allowed such compensation as is allowed the keeper of the common jail in Robeson County: *Provided,* in the above case that no prisoner or offender shall be confined in said guard-house more than twenty-four hours without first having his case heard and determined before the Mayor.

SEC. 28. That the Commissioners may have power to lay out or open any new street or streets within the corporate limits of said town whenever deemed necessary by them, and they shall have the power at any time, to widen, enlarge, change, extend, narrow and discontinue any street or streets within said corporate limits whenever they may so determine, by making a reasonable compensation to the owners of property damaged thereby. In cases where owners of land can not agree with Commissioners regarding the value of land or property and the damages, the Mayor of the town shall issue his warrant to the Town Constable, commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above, to be selected by party claiming damages, shall determine the value of said property, and assess the damages, after which they shall return a report of their proceedings, findings, etc., into

Powers of commissioners.  
Removal of buildings.

Notice.

Damages.

Appeal.

Guard-house.

Board of prisoners.

Limit of confinement before trial.

Power to lay out, open, widen, enlarge, change and discontinue streets.

Compensation to land owners.

Assessment of damages on failure to agree.

Report of assessors.	the office of the Mayor to be filed. Before proceeding to view said premises and assess said damages, the parties so summoned shall take oath before the Mayor or a Justice of the Peace to make a fair, just and impartial discharge of the duties of appraiser and assessor and report the same. If the party damaged or claiming damages refuse to select two appraisers as provided above, the report of the three summoned in behalf of the town shall be final: <i>Provided</i> , that if either a majority of the Commissioners or the opposite party be dissatisfied with the report of the freeholders, then they may appeal to the Superior Court of Robeson County, and in that case the report of the valuation and the proceedings therein shall be sent in by said appraisers to said Court there to be determined.
Oath.	
Proceeding on refusal of owner to select appraisers.	
Appeal.	
Taxes.	SEC. 29. That the Board of Commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies, all personal property, and all other subjects of taxation now taxed or which may hereafter be taxed by the General Assembly of North Carolina for State and county purposes, and on the taxable polls within said town: <i>Provided, however</i> , that the taxes levied by them shall not exceed sixty-six and two-third cents on the one hundred dollars valuation of all property within said town and two dollars on each taxable poll to meet all the liabilities of the town in the way of indebtedness, bonded or otherwise, which now exists, or which may hereafter be created; and the valuation of all property within said town, as taxed by said Commissioners, shall be the same as that at which it was assessed for taxation on the first day of June in that year for State and county purposes: <i>Provided</i> , that the Board of Commissioners of said town may, at a regular meeting, after ten days' notice to any person liable to taxation in said town, raise the valuation of such property in said town as they shall deem unreasonably low, and they may also in order to discover and have properly listed all solvent credits, stocks, bonds, etc., subject to taxation in said town, summons any person whom they may have reason to believe is the owner of any property of such nature which is unlisted, or which being listed is not properly valued, to appear before the said Board of Commissioners at a regular meeting and to answer under oath such questions as may tend to discover the existence of property of the character above named, and in the event any person so summoned shall fail or refuse to appear and answer such questions as are proper under the provisions of this section, the said Board of Commissioners may proceed to investigate the matter by other evidence, and may sum-
Maximum amount of taxes.	
State and county assessment to govern.	
Proceedings to raise or lower assessment, and place on tax list unlisted property.	

mon and examine any witnesses necessary for a joint decision of the question at issue, and may require by proper order the production of any books, records, papers or evidences of the existence of such property that they may deem proper or necessary, and if a majority of said Board of Commissioners shall decide that any person is the owner of any property of the character above set out that is not listed or not properly named, they shall order the same to be entered on the tax list, or the value increased by the Town Clerk and Treasurer, and the said property so listed shall be subject to the payment of all taxes levied by the said town and collected as other taxes therein.

SEC. 30. That all taxes levied by the Commissioners of said town, except license or privilege taxes, shall be due and payable on the first day of October of each year to the Constable or Tax Collector 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.

Taxes, when and to whom due.

Power of distraint.

SEC. 31. That on the first Monday in July of each and every year, the Town Clerk and Treasurer of said town shall by advertisement at the Mayor's office door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make returns of their tax lists to him within thirty days from the publication of said notice. All persons owning property in said town, and liable to taxation, shall make returns of their taxable property to said Clerk under oath, and he is hereby authorized and empowered to administer to such tax-payer an oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of this charter: said list so returned shall state the age of the tax-payer, and all property, real and personal, liable to taxation owned by him, with an accurate description of all real property owned by him June the first of that year, when he was required by law to return the same to the List-Taker of White House Township, to be assessed for taxation for State and county purposes.

Notice to list taxes.

Tax listing.

Oath.

What tax list to contain.

SEC. 32. That all persons owning any property within said town liable for taxation for town purposes, shall return the same to the Town Clerk, as provided in section thirty-one 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.

Tax listing.

Property of minors, lunatics, etc., how listed.

SEC. 33. That 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 held by executors, trustees, etc., how listed.

Individual property liable for trust estate taxes.

property of all such guardians, executors, administrators or trustees shall first be distrained or attached by the Constable or Tax Collector of said town for the satisfaction of the taxes due on all property so returned by them; and the Constable or Tax Collector of said town is hereby authorized at any time after the taxes may be due the town on said property as aforesaid, to distrain any personal property of such guardian, executors, administrators or trustees to be found in said town.

List of taxable property and polls to be made.

SEC. 34. That the Town Clerk and Treasurer shall make out a full and complete list of all taxable property in said town so returned to him and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make returns to the Clerk as herein provided for, for thirty days after the first Monday in July each year, the Town Clerk shall make return of the taxable property of such person or persons so failing to make returns on their property and poll [who] shall be liable to double taxation on their property and poll to be collected as other property and poll taxes. The Town Clerk of the said town shall complete the tax list and place it, or a certified copy thereof, in the hands of the Constable or Tax Collector of said town on the third Monday in August in each year. Such tax list or certified copy thereof, certified by the Town Clerk, when placed in the hands of the Constable or Tax Collector of said town, shall have the force and effect of an execution.

Delinquents liable to double tax.

When tax lists placed in hands of collector.

Force and effect of list.

Lien of town taxes.

SEC. 35. That the lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August in each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid.

Personal property subject to seizure and sale.

Notice.

All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold after ten days' notice at the court-house and four other public places in said town in satisfaction of taxes by the Town Constable or Tax Collector after said taxes shall have been due and payable.

Method of collecting taxes.

SEC. 36. That whenever the taxes due said town shall be due and unpaid, the Constable or Tax Collector of said town shall immediately proceed to collect them as follows: First, if the party charged or his agent have personal property in said town equal in value to said taxes charged against him, the Constable or Tax Collector shall seize and sell the same, under the same rules as Sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the

Fees for levy and sale.

Lands liable after personal property exhausted.

Constable or Tax Collector of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall

contain an accurate description of the lands with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the Constable or Tax Collector returned to the Town Clerk and Treasurer, who shall enter the same in a book to be kept for that purpose, charging thereof the sum of twenty-five cents for each levy; third, the Constable or Tax Collector shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating these particulars, on him personally, if he be a resident of said town. If the delinquent does not reside in said town, but if 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 can not with reasonable diligence be ascertained the Constable or Tax Collector shall post a notice substantially as above described at the Mayor's office door and four other public places in said town at least thirty days before the sale of the land, and this last-mentioned notice shall be posted as in all cases of sale of land for taxes in said town; fourth, the sale shall be made at the public square in said town, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town and his address be known to the Constable or Tax Collector, he shall mail to him within one month after the sale, notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid and of the amount of taxes and costs to be paid by such delinquent as a condition of its redemption.	What levy on land to contain.  Return.  Fees. Notice to delinquent
Sec. 37. That the whole lot or tract of land belonging to a delinquent person or company shall be set up for sale at the same time, and shall be struck off to him who will pay the amount of taxes, with all the expenses, for the smallest part of the land. At all such sales the Mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.	Sale, when, where and how conducted.       Notice to non-residents after sale.
Sec. 38. That the delinquent may retain possession of the property for twelve months after sale, and within that time redeem it, by paying the purchaser the amount bid 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 can not 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.	Sale of real estate for taxes.     Mayor may purchase.   Time of possession and redemption. How redeemed.

Tax collector to give purchaser at sale receipt.

What to contain.

SEC. 39. That at the time of such purchase of real estate for taxes, the Town Constable or Tax Collector, on receipt of the amount bid for such real estate, shall give the purchaser a receipt stating the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Failure to redeem in twelve months, purchaser entitled to deed.

SEC. 40. That if the delinquent, his agent or attorney, shall fail to redeem, as provided in section thirty-eight hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section thirty-nine hereof, and the Town Constable or Tax Collector of said town shall execute a deed in fee to the purchaser, and, if the purchaser is dead, to his heirs at law or assigns for the lands for which said purchaser agreed to pay the amount called for in the receipt, and for such service the Constable or Tax Collector shall be allowed one dollar, to be paid by the purchaser. The deed from the Constable to the purchaser shall be registered in the Register's office of Robeson County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid, which the delinquent, is agent or attorney had at the time of sale for taxes.

Deed, by and to whom made.

Fees of collector for making deed.

Deed to be registered.

Valid when registered.

Real estate bid in by mayor redeemable.

Method of redemption.

SEC. 41. That all real estate bid in by the Mayor of said town for the use of the town, at sales made by the Constable or Tax Collector for taxes, may be redeemed as hereinbefore provided, by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the Town Clerk and Treasurer within twelve months from date of such sale.

Privilege taxes, subjects of such taxes.

SEC. 42. That the Commissioners of said town shall have the power to annually levy and cause to be collected for the necessary expenses of the said town such privilege taxes as shall seem to them fair and equitable, on the professions, callings, trades, occupations and all other business carried on in said town, that is to say, on every lawyer, merchant, physician, dentist, druggist, artisan, mechanic, daguerrean artist, or other picture; on all officers or agents of incorporated companies; on all clerks or employees of other persons or corporations; on every drummer, editor, printer, butcher, tinner, carpenter, shoemaker, wheelwright, carriage, buggy or wagon-maker, jeweler or confectioner, grocer, harness-maker, saddler, blacksmith; on every billiard or bagatelle table, public or private bowling, nine or ten-pin alley; on all lectures for reward, on all riding or pleasure vehicles, on all gold, silver or metal watches, on all pianos, on all pistols, on every livery, feed or sale stable, on every person hiring any

number of horses, on every cotton gin, on every turpentine or other distillery; on every boarding-house, hotel, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies, bicycles; on all horses, cattle, sheep, hogs, goats or dogs, owned or kept in said town or allowed to run at large therein; on every stallion, jack, bull or boar kept or exhibited in said town; on all itinerant traders and peddlers; on all banks, railroads, telephone and telegraph companies; on all saw and planing mills; on all sash, door and blind, furniture or cotton factories, and on all incorporated companies of whatever nature or kind; on all and every person or persons, company or companies, who may exhibit, sing, play, act, or perform anything for which they charge or receive any gratuity, fee or pay, or reward whatever within the limits of said town, and on every opera house or public hall to which an admission fee may be charged, and the Commissioners of said town may prescribe when the license tax herein provided for shall be due and payable.

SEC. 43. That it shall be unlawful for any person or company to manufacture any spirituous or malt liquors, or to sell or in any manner, directly or indirectly, to receive any compensation for any spirituous or malt liquors, wines or cider or any other intoxicating liquors within the corporate limits of said town of Ashpole, or within five miles of the corporate limits thereof, as set out in section three of this act; and any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be punished upon conviction thereof by a fine not exceeding one hundred dollars, or by imprisonment not exceeding twelve months or both.

Unlawful to manufacture or sell intoxicating liquors in said town or five miles thereof.

Violation a misdemeanor.

Penalty.

SEC. 44. That the Board of Commissioners of said town shall have power to provide for the establishment, organization and equipment, government and pay of such number of fire companies as they may deem necessary and proper for the protection of the said town against damage by fire; and in case of a fire occurring in said town the Chief of the Fire Department or Mayor, or in their absence a majority of the Commissioners of said town who may be present, may order the blowing up or pulling down or destroying any house or building deemed necessary to stop the progress of the fire.

Fire companies.

Power to stop progress of fire.

SEC. 45. That the said Commissioners shall also have power to establish fire limits within said town, within which it shall not be lawful for any person to erect or build any wooden house or structure, or make any wooden additions to any building or repair or cover the outside surface of any building with any material other than metal or slate; that they may prohibit the removal of any wooden building from without to within such fire

Fire limits, provisions in regard to.

Penalty for violation.	limits as they shall establish, and shall have power to force obedience to their regulations under this section by punishing such persons as violate the same by a fine of not more than fifty dollars, or of imprisonment of not more than thirty days, and shall further have the power to cause the removal of any structure or building erected contrary to the laws of them enacted under the power invested in them by this section.
Power to remove structure erected in violation of this section.	
Proceedings in mayor's court.	SEC. 46. That all proceedings in the Mayor's Court shall be the same as are now or may hereafter be prescribed for courts of Justices of the Peace, and in all cases there shall be a right of appeal to the Superior Court of Robeson County; that whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said Court, it shall be competent for the Court to sentence such person or persons to imprisonment in the county jail or town guard-house for a term not exceeding thirty days, and to adjudge also that such persons may be worked during the period of their confinement on the public streets or on the public works of the said town under the supervision of the Town Constable, policeman, or other public officer.
Appeal.	
Imprisonment.	
Term of.	
May work prisoners on streets, etc.	
Vagrants.	SEC. 47. That the Commissioners of said town shall have authority to pass such ordinances in relation to vagrants as they may deem necessary to the good government of the town, and any person who may be in habit of sauntering about the town not engaged in any lawful occupation, or of loafing about the streets without any visible means of support, shall be guilty of a misdemeanor, and on conviction thereof before the Mayor shall pay a fine of not exceeding fifty dollars or be imprisoned not more than thirty days. The said Mayor is hereby constituted a special court to hear and determine such offence and upon failure of any person convicted of such offence to pay such fine as may be imposed upon him, and the cost of his arrest and conviction, he shall have authority to imprison such person in the county jail or other prison, and the Commissioners of Ashpole may work such person on the public streets or public works of the town under the supervision of the Constable or other police officer during the term of their sentence, or may hire out such person until the fine and costs are paid.
Vagrancy, misdemeanor.	
Penalty.	
Power to imprison and work on streets in case of failure to pay fine and costs.	
Power to hire out.	
Stock law.	SEC. 48. That the Commissioners of said town shall have power under such ordinances as they may enact to prevent the running at large, of all dogs, hogs, horses, cattle and all other brutes within the corporate limits of said town, and the manner in which same shall be kept, and they may prohibit the keeping of hogs within the corporate limits of said town.
Sewerage and drainage.	SEC. 49. That the said Board of Commissioners shall have power to construct and maintain a permanent system of sewerage



and drainage for said town, and protect and regulate the same by adequate ordinances; and if it shall be necessary in obtaining a suitable and proper outlet for the said system to extend the same beyond the corporate limits of said town, they may condemn a right of way to and from such outlet, and any damage may be adjusted in the same manner as is provided for the opening of new streets under section twenty-nine of this act.

SEC. 50. That the Commissioners of said town may acquire land and erect and establish any public buildings thereon that may be necessary for the use of the Mayor, Town Council, hose-reel company, hook and ladder company, or any other necessary town purposes; and may establish and maintain a definite and permanent system of fire alarms for the government, use and benefit of said town.

SEC. 51. That the Commissioners of said town may take such steps as they may deem necessary to prevent the entrance into the town or the spreading therein any contagious or infectious disease; and may stop, detain and examine for that purpose any and every person coming from places believed to be infected with such disease; and may cause any person in the town suspected to be infected with such disease and whose stay may endanger the health of the town, to be removed to such place as the Mayor may direct, and may remove from said town or destroy any furniture or other article which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; and may abate by any reasonable means, all nuisances of whatever nature or kind which may be injurious to the public health.

SEC. 52. That in case any person shall be removed from said town under the provisions of section fifty-one of this act, the corporation may recover before the Mayor or any Justice of the Peace of such person, the expense of his removal, support, nursing and medical attendance and burial expenses also, in case of death.

SEC. 53. That if any person shall attempt by force or by threat of violence to prevent the removal to such place as the Mayor may direct of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the town the sum of fifty dollars and moreover be guilty of a misdemeanor.

SEC. 54. That the Mayor may at any time, upon charges preferred, or upon finding the Constable, Policeman, Watchman or other employee of the town guilty of misconduct, have power to suspend such officer from service until the Board of Commission-

Damages.

Public buildings.

Fire alarm system.

Contagious diseases.

Powers in regard to.

May abate nuisances.

Expenses incurred under previous section, by whom borne.

Penalty for attempting to prevent by force, the removal of a person under Section 51.

Power of mayor to suspend officers.

- ers shall convene and take action in the matter, and upon hearing the proofs in the case, the board may discharge or restore such officer, and the pay of such officers shall cease from the time of his suspension by the Mayor to the time of his restoration by the Commissioners; any violation of the orders of a superior shall be good cause for suspension, and the Mayor shall suspend any of the above-named officers who may be found drunk while on duty.
- Power of commissioners to discharge or restore.**      **Ordinances.**      **Houses of ill-fame and gambling houses.**      **Powers of officers in regard to.**      **Power to pass ordinances against discharging guns, pistols, etc.**      **Conflicting laws repealed.**
- SEC. 55. That the said Board of Commissioners shall have power to pass ordinances for the good government and order of the town aforesaid, and to that end they may pass an order: *Provided*, that in case any officer of the town has sufficient reason to believe and does believe that there exists any house of ill-fame or gambling house where games of chance are being carried on within the corporate limits of said town as set out in section three of this act, or within one-fourth of a mile in any direction from the same; that such officer may, with or without a warrant, enter said premises and arrest any person or persons so engaged as keeper or occupants of said houses of ill-fame or gambling houses, and require such person or persons to appear before the Mayor for violation of the ordinances against such houses of ill-fame or gambling houses, and to be dealt with according to law.
- SEC. 56. That the Board of Commissioners of said town shall have power to pass ordinances for the protection of the persons and property of the citizens of the same, and to that end may pass an ordinance making it unlawful to discharge any gun, pistol, or other fire-arm, within the corporate limits of said town, or within one-fourth of a mile from the corporate limits of said town, as set out in section three of this act, and any person found guilty of violating the provisions of this section may be punished in the same manner as if the offence had been committed within the corporate limits as aforesaid.
- SEC. 57. That all laws and clauses of laws in conflict with this act be, and they are hereby repealed.
- SEC. 58. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1901.

## CHAPTER 83.

AN ACT TO MAKE THE BISHOP OF THE PROTESTANT  
EPISCOPAL CHURCH, IN THE DIOCESE OF EAST CARO-  
LINA, A CORPORATION SOLE.

WHEREAS, Property has been conveyed to A. A. Watson, as Preamble.  
Bishop of the Protestant Episcopal Church in the Diocese of  
East Carolina to be held in trust for religious purposes, and  
such property and any other property so conveyed, can not under  
existing laws pass to his successor in office; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the said A. A. Watson, Bishop as aforesaid, Bishop A. A.  
be and he is hereby made a corporation sole under the name Watson made a  
and style of "The Bishop of East Carolina," and by such name corporation sole.  
and title shall have perpetual succession, and have and use a Corporate name.  
common seal, and contract and be contracted with, and hold, Perpetual suc-  
grant, and convey and his successors in office shall contract and cessor.  
be contracted with, hold, grant and convey any property that Corporate powers.  
may be conveyed to him or them as Bishop of East Carolina for  
religious or charitable purposes. Corporate pur-  
poses.

SEC. 2. That this act shall be in force from and after its rati-  
fication.

In the General Assembly read three times, and ratified this the  
5th day of February, A. D. 1901.

## CHAPTER 84.

AN ACT TO INCORPORATE THE ASHEVILLE 'WOODWORK-  
ING COMPANY OF ASHEVILLE, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Thomas S. Atkins and John Machin, together Corporators.  
with their associates, successors and assigns, be, and they are  
hereby created and constituted a body corporate under the name  
of the Asheville Wood-Working Company, and under that name Corporate name.  
may sue and be sued, appear, prosecute and defend to final judg- Corporate powers.  
ment and execution in any Court or elsewhere; to have a com-  
mon seal, which they may alter at pleasure; to elect, in such man-  
ner as they may determine to be proper, all necessary officers,  
and to fix their compensation and define their duties and obliga-  
tions, and to make by-laws and regulations, consistent with the

laws of the State, for their own government and for the due and orderly conduct of their affairs and management of their property.

Corporate powers,  
privileges and  
purposes.

SEC. 2. That said corporation may buy, hold and sell lumber, and conduct a general lumber business in all its branches; it may establish and operate saw-mills, planing-mills, dry-kilns and lumber yards; it may manufacture sash, doors, blinds, mantels, and everything of whatever kind that is made or manufactured from lumber; it may manufacture, buy, sell and dispose of furniture of every description; it may lease, buy, hold, sell, mortgage and convey real estate as allowed under the general corporation laws of North Carolina, and shall have power to contract debts and borrow money for the purposes of the corporation and secure the same, and to make and issue stock, notes, bonds, and other evidences of indebtedness for any obligation incurred in the organization or conduct of its business, and shall have power to execute deeds, deeds in trust or other liens upon its real or personal property, franchise and good will to secure the payment of any indebtedness of said company.

Capital stock.  
Shares.

SEC. 3. That the capital stock of the corporation shall be nine thousand dollars (\$9,000), divided into shares of one hundred dollars (\$100) each; but by a vote of a majority of the stock at a regular meeting of the stockholders the capital may be increased from time to time to an amount not exceeding fifty thousand dollars.

Corporate  
management.

SEC. 4. The affairs of the corporation shall be managed at present by the stockholders, but the stockholders may by a majority vote of the stock at any regular meeting appoint a Board of Directors.

Officers.

SEC. 5. The officers of said corporation shall consist of a president, secretary-treasurer and a Board of Directors to be elected by the stockholders at their pleasure. The secretary and treasurer may be one and the same person.

Organization.

SEC. 6. That at the first meeting herein named, the organization of the company shall be considered perfect whenever the president, secretary and treasurer are elected, and this charter accepted by the members, and the said company may at once begin and do any and all things lawful and necessary to carry out its purposes.

When to begin  
business.

By-laws.

SEC. 7. That the by-laws of the company may provide the mode of election of all officers and of filling all vacancies and prescribe the powers and duties of such officers, and the manner of issuing stock and transferring the same.

Corporate dura-  
tion.

SEC. 8. That the duration of said corporation shall be thirty (30) years.

SEC. 9. That said corporation shall have the right to receive lands, buildings, machinery, furniture, fixtures, lumber and other real or personal property in payment of subscription to its capital stock. May receive lands, etc., in payment of stock.

SEC. 10. That the stockholders in said corporation shall not be personally liable for the debts and liabilities of the corporation. Personal liability.

SEC. 11. That the place of business and office of said corporation shall be in the city of Asheville, State of North Carolina; but it may establish business in other places and by a majority vote of its stockholders may remove its main office and business from Asheville to such place. Officers and places of business.

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

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

#### CHAPTER 85.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF ENFIELD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all territory lying within the corporate limits of the town of Enfield, and all of the portion of Halifax County not embraced within said corporate limits, but lying contiguous thereto within the following boundaries, to-wit: Said territory shall extend for the distance of two and one-half miles north and south each way from the Atlantic Coast Line Railroad Company's ticket office in said town, and it shall extend east from said office three miles and west two and one-half miles, including a rectangular parallelogram five and one-half miles in length and five miles in width, with said ticket office as the basis of measurement or beginning point; shall be and is hereby constituted a public school district for white and colored children, to be known as the "Enfield Graded School District." Graded school territory.

SEC. 2. That for the purposes and benefits of this act, the provisions of all laws governing the assessment of real estate and personal property, the levy and collection of municipal taxes, and the holding of municipal elections in the town of Enfield shall be and are hereby extended to that portion of said school district lying without the corporate limits of said town, as fully as if the same lay within said corporate limits, and that in all Certain provisions of municipal laws effective over territory in this district, outside corporate limits of Enfield.

Outside portion a ward in certain elections.	elections held under this act, that portion of said school district lying without the said corporate limits shall be deemed a ward of said town.
School Trustees authorized to issue bonds. Amount.	SEC. 3. That the Board of School Trustees hereinafter provided for shall be, and is hereby authorized and empowered to issue bonds of said school district to an amount not exceeding seven thousand dollars, of such denomination and of such proportion as said Board of Trustees may deem advisable, bearing interest from date thereof at a rate not exceeding six per cent per annum, with interest coupons attached payable semi-annually, at such time and such place or places as may be deemed advisable by said Board of Trustees, said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable as follows: Five hundred (\$500) dollars on the 1st day of January, 1903, and five hundred annually thereafter till all are paid, at such place or places as said Board of Trustees may determine: <i>Provided</i> , that said Board of Trustees shall issue such bonds at such time or times, and in such amount or amounts as may be required to meet the expenditure hereinafter provided for in section four of this act.
Interest.	
Coupons.	
Form, denominations, etc.	
Provisions for issue.	
Proceeds, how disposed of.	SEC. 4. That the proceeds arising from the sale of said bonds, or such part thereof as may be necessary, shall be expended by said Board of Trustees in providing, by purchase or otherwise, such graded school buildings as may be required, and in furnishing the same with school furniture and other necessary equipment.
Price of bonds.	SEC. 5. That none of said bonds shall be disposed of by sale, exchange, hypothecation, or otherwise for a less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than that declared in section four of this act.
Use of proceeds restricted.	SEC. 6. That said bonds and their coupons shall not be subject to taxation by the town of Enfield until they become due, and tender of payment shall have been made, and such coupons shall be receivable in payment of all taxes and other dues of said town for any fiscal year in which said coupons become due, or thereafter: and if the holder of said coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.
When subject to municipal taxation.	
Coupons receivable for municipal taxes.	
Coupons not presented, non-interest bearing after maturity.	
Special tax authorized.	SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public graded schools provided for in this act, the Board of Commissioners of the town of Enfield shall annually

and at the time of levying the municipal taxes, or as soon thereafter as practicable, commencing with the fiscal year beginning the first day of June, nineteen hundred and one, levy and lay a particular tax on all persons and subjects of taxation within the limits of said school district, on which said Board of Commissioners may now, or hereafter, be authorized to lay and levy taxes for any purpose whatsoever, said particular tax to be not more than thirty cents on the hundred dollars assessed valuation on property, and not more than ninety cents on each taxable poll.

Maximum  
amount of tax.

SEC. 8. That said taxes shall be collected by the Tax Collector of the town of Enfield at the time and in the manner that the municipal taxes are collected, and said Tax Collector shall pay the same over to the Treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And said Treasurer shall pay out said taxes and other funds which may come into his hands for the use of said graded schools, only upon the warrant of the chairman and secretary of said Board of Trustees: *Provided*, that said Tax Collector and said Treasurer shall enter into bond in such amounts as said Board of Trustees shall direct, the former conditioned for the faithful collection and paying over, and the latter for the safe keeping and proper distribution of said taxes and other funds that may come into the hands of either for the use and benefit of said graded schools.

Collection and  
disposition of said  
taxes.

Tax collector's  
and Treasurer's  
bond.

SEC. 9. That the provisions of sections 3 and 7 of this act shall be submitted to a vote of the qualified voters of said school district at an election on a day to be designated by the Board of Commissioners of the town of Enfield, at any time after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections 3 and 7 of this act, or a synopsis of the same, shall be published in one or more weekly papers published in the town of Enfield, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of municipal elections in said town. Those qualified voters approving the issue of bonds provided for in section 3, and the levy and collection of the particular taxes provided for in section 7 of this act shall deposit a ballot containing the written or printed words "For Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Schools." If a majority of such voters shall vote "For Schools," it shall be deemed and held that a majority of the qualified voters of said school district are in favor of granting to the aforesaid Board of School Trustees authority to issue such bonds, and to the Board of Com-

Sections 3 and 7  
to be submitted to  
vote.

Notice of election.

Election, how  
conducted.

Form of ballots.

Majority quali-  
fied voters  
approving, trus-  
tees authorized to  
issue bonds, and  
vice versa.

Result of election enrolled.	missioners of said town authority to levy such particular tax, and said Board of School Trustees and said Board of Commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Schools," then said Board of School Trustees and said Board of Commissioners shall not have such authority: <i>Provided</i> , that the result of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Enfield; and, after thirty days from the date of such enrollment, such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein recited: <i>Provided further</i> , that if a majority of said qualified voters shall fail to vote in favor of issuing such bonds and of levying such particular tax, the Board of Commissioners of said town of Enfield shall order another election, at any time after the expiration of six months from the date of the former election, and if at such election a majority of the qualified voters shall vote "For Schools," it shall have the same force and effect as if no election had been previously held.
When record unimpeachable.	
Subsequent elections provided for.	
Trustees.	SEC. 10. That immediately upon the ratification of this act by the majority of the voters, voting at said election, the Commissioners of the town of Enfield shall proceed to elect seven electors in said school district as trustees, who, when elected, are hereby constituted a Board of Trustees for the graded public schools of said school district, and shall hold their office for the term of two years; vacancies occurring by reason of the expiration of the terms of office of the trustees aforesaid, by death or otherwise, shall be filled by the said Commissioners of the said town of Enfield: <i>Provided</i> , that the acceptance of said office of school trustees shall not disqualify any person so accepting from holding any other office of trust or profit whatsoever under the laws of the State of North Carolina.
Term of office.	
Vacancies, how filled.	
Not disqualified to hold other office.	
Body corporate.	SEC. 11. That said Board of Trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of School Trustees of Enfield," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal estate, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. And said corporation shall have a corporate seal, which it may break and change at pleasure.
Corporate name.	
Corporate powers.	
Duties of trustees.	SEC. 12. That it shall be the duty of said Board of Trustees to establish graded public schools for the white and colored children of said district. And said Board of Trustees shall appropriate and use the funds derived from said particular taxes, and from other sources, in such manner as shall be deemed just to both
Use of funds.	



racess, providing equal school facilities for each, due regard being paid, however, to the difference in the cost of maintaining said schools: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Application of appropriations.

SEC. 13. That said Board of School Trustees shall have exclusive control of all public schools in said school district, shall prescribe rules and regulations not inconsistent with this act for their own government and for the government of such schools; shall employ, prescribe the qualifications and fix the compensation of all officers and teachers of such schools; shall cause to be taken, from time to time, in accordance with the general school law of the State, an accurate census of the school population of the said school district, and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools: *Provided*, that nothing in this act shall be held to authorize the County Board of School Directors, nor the County Superintendent of Schools of Halifax County to exercise any authority or control whatever over the graded public schools of said school district, or the officers and teachers thereof.

Control and government of schools in said district.

Duties of trustees.

Provision as to County Board and Superintendent.

SEC. 14. That all public school funds derived from the State, and from the county of Halifax, for the use and benefit of the public schools in said school district shall be paid over to the Treasurer of the town of Enfield by the Treasurer of said county for the use and benefit of the graded public schools in said school district; and the property, both real and personal, of the various school districts embraced within the limits of said school district shall become the property of said graded schools, and the title thereto shall be vested in said Board of Trustees, in trust therefor, and said Board of Trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the said graded schools.

Application and disposition of public school funds for said district.

School property in said district.

SEC. 5. That said Board of Trustees may, if in their judgment necessary for the maintenance of said graded schools, require from each pupil entered therein an incidental fee of not more than two dollars per annum, payable as said Board of Trustees may direct: *Provided*, that such fee shall be applied exclusively to the maintenance of such grade in such schools as the pupil paying same shall attend.

Incidental fee from pupils.

Application.

SEC. 16. That said Board of Trustees shall elect annually, at least thirty days before the opening of the fall term of said graded schools, a Superintendent, who shall supervise the graded public schools of said school district, and exercise such other powers, and discharge such other duties as said Board of Trustees may prescribe.

Superintendent.

- Curriculum. SEC. 17. That said Board of School Trustees are hereby authorized, in their discretion, to fix a curriculum of studies, and to adopt text-books for said graded schools, and to admit pupils residing without the limits of said school district upon such terms as the said Board of Trustees may deem just and reasonable.
- Text-books.
- Non-resident pupils.
- Trustees' report. SEC. 18. That it shall be the duty of said Board of Trustees to make to the Mayor and Board of Commissioners of the town of Enfield annually, after the close of each school year, a full report of the operations of the graded public schools of said school district; and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Halifax County.
- County apportionment to said district. SEC. 19. That the County Board of School Directors of Halifax County shall apportion the school funds coming to said school district direct thereto upon a per capita basis, in accordance with the provisions of section 17, chapter 732, of the Public Laws of 1899.
- Conflicting laws repealed. SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 21. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

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CHAPTER 86.

AN ACT TO INCORPORATE THE BANK OF MONTGOMERY.

*The General Assembly of North Carolina do enact:*

- Corporators. SECTION 1. That A. W. E. Chapel, J. G. Tomlinson, S. J. Smitherman, W. J. Armfield, W. J. Armfield, Jr., and their associates and assigns, be and they are hereby created a body politic and corporate under the name and style of the Bank of Montgomery, and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the Courts of the State, and have a continuous succession for thirty years and a common seal for the purposes indicated in this act.
- Corporate name.
- Corporate powers.
- Corporate existence.
- Capital stock. 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 one hundred dollars each; said corporation may com-
- Increase of capital stock.
- Shares.

mence business when five thousand dollars shall have been paid in. When to commence business.

SEC. 3. That the affairs of the corporation shall be governed by a board of not more than nine and not less than five directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president and a vice-president, who shall serve for one year and until their successors 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. Directors. Election. Officers. Vacancies. By-laws.

SEC. 4. That the office or banking house of the corporation shall be located in the town of Troy, North Carolina. Office, location.

SEC. 5. That the corporation shall have all the powers, rights and privileges and immunities granted to any bank or banking institution by the laws of North Carolina, 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 personal security or to make loans secured by real or personal property, to receive deposits, and for the use and loan of money may charge a rate of interest per annum as high 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 individual check and be bound thereby. Deeds 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 respects: *Provided*, that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption. Corporate powers. Interest. Deposits of married women, minors, etc., how withdrawn. Corporation deeds, how executed. May purchase and hold property sold as security. Equity of redemption.

SEC. 6. That the stock held by anyone shall be transferred only on the books of said corporation, either in person or by attorney. Stock, how transferred.

SEC. 7. This corporation is invested with the power and privileges incident to savings banks, may receive deposits in very small sums, the limit to be fixed by its Board of Directors, and may pay interest thereon by way of dividends out of the net Savings bank provisions.

earnings or as fixed according as may be agreed on between the bank and its depositors; and the Board of Directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank feature of this corporation.

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

In the General Assembly read three times, and ratified this the 9th day of February, A. D. 1901.

#### CHAPTER 87.

### AN ACT TO INCORPORATE THE BLUE RIDGE AND ATLANTIC RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. A. Deal, Geo. A. Jones, N. L. Barnard, R. L. Porter, T. B. Higdon, H. H. Jarrett, Noah Littlefield, S. N. Lyle and J. O. Harrison and such other persons as are now or may hereafter be associated with them, are hereby created and declared to be a body politic and corporate to exist for the term of sixty years, under the name and style of "Blue Ridge and Atlantic Railway Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with. Said company shall have power to adopt a common seal and to change the same at will, and shall be capable of taking by purchase, gift or in any other way, real and personal property necessary or convenient for the construction, maintenance or operation of its road, and of holding, leasing, conveying or in any other manner dealing with the same; and said company shall also have and enjoy all the rights, privileges and immunities which similar corporate bodies may lawfully exercise or enjoy, and may make ordinances, by-laws and regulations consistent with the laws of this State and of the laws of the United States for the government of all under its authority, for the management of its estates and for the due and orderly conduct of its affairs.

Corporate existence.

Corporate name.  
Corporate powers  
and privileges.

Corporate powers  
and purposes.

Location of rail-  
road.

SEC. 2. That said company upon its organization as hereinafter provided for, shall have power to survey, lay out, construct and equip, maintain and operate a railroad with one or more tracks, from a point in the valley of the Little Tennessee River, in Macon County on the Georgia State line, northwardly by such route or routes as the directors of said company may determine,

to the city of Franklin, and thence through Macon County and Swain or Graham counties, or both, northwestwardly, in the general direction of the Little Tennessee River to the Tennessee State line. Said company may also build and operate extensions and branch roads from any point on its main line, and for this purpose shall have all the powers, privileges and rights contained in this act, which are hereby made to apply to such extensions and branch roads as well as to the main line.

SEC. 3. That for the purpose of surveying, constructing and operating said lines of railroad, said company is hereby empowered:

First. To cause such examination and surveys to be made as shall be necessary to the selection and location of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or water of any person.

Second. To take and hold such voluntary grants of real estate, or other property, as may be made to it, to aid in the construction, maintenance or operation of its road.

Third. To acquire, purchase, hold and use all such real estate and other property as may be necessary or proper for the construction, maintenance or operation of its road, stations and terminal facilities, and all other accommodations necessary to accomplish the objects of its incorporation, and to condemn, lease or buy land necessary for its use as aforesaid.

Fourth. To lay out its road, not exceeding two hundred feet in width, and to construct the same, and for the purpose of cutting any embankment, and for obtaining gravel and other materials, to take as much land as may be necessary for the proper construction, operation and security of said road; to cut down any trees that may be in danger of falling on the track or obstructing the right of way, making compensation therefor as provided by law.

Fifth. To construct its road across, along or upon, or to use any stream of water, watercourse, street, highway or canal which the route of its road shall intersect or touch: *Provided*, no railroad shall be constructed along and upon any street without the consent of the municipal authorities: *And provided further*, that said company shall not obstruct or use any highway without first constructing one equally as good as the one taken by the company.

Sixth. To cross, intersect or join or unite its railroads with any railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad, with the turnouts, sidings, switches and conveniences necessary or proper

Branch roads.

To make surveys.

To take voluntary grants of property.

To acquire and hold real estate for construction, operation, etc.

To lay out and construct road.

Provisions for construction along water-courses, highways, canals, streets, etc.

Intersection and joining with other railroads.

in the construction of its road; and to run over any part of any other railroad's right of way, necessary or proper to reach its freight depot in any city, town or village through or near which said railroad may run, or to reach any other point of its right of way otherwise inaccessible.

Transportation of passengers and property.

Seventh. To take and convey persons or property over its railroads by the use of steam, animals, electricity or other mechanical power, and to receive compensation therefor, and to do all things incident to railroad business.

Telegraph and telephone lines.

Eighth. To build and operate telegraph and telephone lines on its right of way or any part thereof, and to charge and receive compensation for the transmission of messages over said lines.

Erection of buildings, warehouses, depots, etc.

Ninth. To erect and maintain convenient buildings, warehouses, docks, stations, fixtures and machinery, within or without a city, town or village for the reception, accommodation and use of its passengers and freight, and for its business purposes.

Regulation of transportation.

Tenth. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor, subject to any law of the State upon the subject.

May borrow money and issue bonds, etc.

Eleventh. To borrow such sums of money at such rates of interest and upon such terms, as its Board of Directors may determine, and for that purpose, if necessary, and with the consent of the stockholders, to issue coupon or registered bonds, in such denominations, bearing such rate of interest, and payable at such time and place, as said board may direct; and to secure the payment of said bonds said company may execute and deliver one or more mortgages or deeds of trust on all or any parts of its railroads and appurtenances, property, franchises and privileges, in such manner and form as said board may determine. The registration of any such mortgage or deed of trust may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchise conveyed therein. Said company may, through its Board of Directors, sell, hypothecate or otherwise dispose of the bonds hereinbefore authorized to be issued, or any other of its stock, bonds or securities.

Security for bonds.

Registration of mortgages, etc.

Sale of bonds, stocks, etc.

Capital stock. Increase.

SEC. 4. That the capital stock of said company shall be three hundred and fifty thousand dollars, which may be increased in such manner as the stockholders may determine to an amount equal to fifteen thousand dollars, per mile of road owned or controlled, whether by lease, ownership of stock or otherwise, except that in case of the purchase by said company of the stock, franchises or property of any other railroad company, or in case of

Exception as to consolidation with or purchase of other roads.

the consolidation of said company with any other railroad company, said company may issue such additional amount of capital stock as may be necessary to effect such purchase or consolidation. The stock of said company may be divided into preferred and common stock, on such terms and conditions as the stockholders shall determine. The stock of said company shall be divided into shares of one hundred dollars each, for which, when fully paid, certificates shall be issued, which shall be non-assessable, and each share shall entitle the holder to one vote; and the stockholders shall not be individually liable for the debts of the corporation. The stock may be transferred on the books of the company in such manner as may be prescribed by the by-laws of the company.

Division of stock.

Shares.

Voting power of shares.

Individual liability.

Transfer of stocks.

SEC. 5. That the incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents at such time or times, place or places, and under such conditions, rules and regulations as they or such majority may deem necessary or expedient, and said incorporators or a majority of them, may, when ten thousand dollars shall have been subscribed, and when they or such majority deem proper, call together the subscribers to said shares of stock at any place in or out of this State, and said subscribers or such of them as shall attend may then complete the organization of said company by electing a Board of Directors, to consist of such number as they may determine and of such officers as they may see fit, not less than three, and the said directors shall thereupon proceed to elect one of their number as president, and to elect such other officers as the by-laws of said company may prescribe, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to the complete organization of said company and to carry into effect the objects of this act.

Books of subscription.

When to organize.

Directors.

Officers.

Agents.

Completion of organization.

SEC. 6. That subscriptions to the capital stock of said company may be made in money, land or other property, bonds, stocks, credits, contracts, leases, options, mines, minerals or mineral rights, rights of way and other rights or easements, labor or services, in such manner and on such terms as may be agreed upon by the president and directors of said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited as well as all previous payments thereof to the benefit and use of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the post-office (postpaid), directed to him at the post-office nearest his

Subscriptions to capital stock.

Failure to pay forfeits stock.

Notice to stockholder.

usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named; said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.

Stockholders' meetings.

SEC. 7. That meetings of the stockholders shall be held annually at such time or place within or without the State as may be prescribed by the by-laws. Notice of the annual meeting of the stockholders shall be given by advertisement in a newspaper published in Macon or adjoining county for two successive weeks.

Notice.

Meeting, how called.

SEC. 8. That a general meeting of the stockholders may be held at any time upon the call of the Board of Directors, or of stockholders holding together one-fourth of the capital stock, upon their giving notice of the time and place of such meeting, for ten days in a newspaper published in or near the place at which the last annual meeting was held, and by mailing to each stockholder at his post-office address of record written notice of such meeting ten days prior thereto. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.

Election of directors.

SEC. 9. That the election of directors shall be by ballot and shall be held at the annual meeting unless otherwise determined from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in it during the term for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold their offices until their successors shall be elected and assume their duties. The secretary and treasurer shall also be elected by the Board of Directors and may be one and the same person. The Board of Directors may appoint an executive committee from among its members, which shall exercise all the powers of the board, when the board is not in session. Meetings of the Board of Directors and of the executive committee may be held within or without the State. The Board of Directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.

Term of office.

Vacancies.

Election of officers.

Term of office.

Executive Committee.

Meetings, where held.

By-laws.

May buy, lease or consolidate with other railroads.

SEC. 10. That said company shall have power to take by purchase, lease or otherwise the railroad franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It is also hereby authorized and empowered to survey and consolidate its capital



stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this or any other State, upon such terms and under such name as may be agreed upon, when the two or more railroads to be merged shall and may form a continuous line of railroad with each other or by means of intervening road or roads. It may assign or lease its property and franchises or any part thereof to any other railroad company incorporated by the laws of this State or of any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy all the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging or pertaining to the company incorporated by this act. Any or the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company incorporated by this act may subscribe to, purchase, guarantee or endorse the capital stock, bonds or other securities of any other railroad corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to, purchase or guarantee, or endorse the capital stock, bonds or other securities of this company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed.

SEC. 11. That the president and directors of said company shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of its railroad and business.

SEC. 12. That said company shall enjoy all the benefits and be subject to the provisions of section one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, both inclusive, of chapter forty-nine, volume one, of The Code of North Carolina, in respect to the acquisition of land by condemnation.

SEC. 13. That it shall and may be lawful for any county, township, city or town in or through which the said railroad may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums, in bonds or money, as a majority of their qualified voters may authorize and County Commissioners of such county or the municipal authorities of such town to subscribe.

May sell, lease, etc., to other companies.

Mutual power of this and other railroad companies to subscribe to purchase and guarantee stock of another.

Powers of president and directors.

Sections 1943 to 1951, inclusive, of The Code, applicable to this company.

Counties, townships, cities or towns may subscribe to capital stock if authorized by majority of qualified voters.

Other corporations consolidating with this becomes domesticated.

SEC. 14. In the event of the consolidation of said corporation with any other corporation or corporations, the corporation so formed by said consolidation shall be a corporation of this State, and amenable to the Courts of this State.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of February. A. D. 901.

#### CHAPTER 88.

### AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF ELKIN.

*The General Assembly of North Carolina do enact:*

Body corporate.

SECTION 1. That the inhabitants of the town of Elkin shall be and continue as they heretofore have been a body politic and corporate, and in the name of the Board of Commissioners of

Corporate powers.

Elkin shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate limits.

SEC. 2. That the corporate limits of the town of Elkin shall be as follows: Beginning at a point on the Yadkin River where A. Chatham's and W. R. Bryan's land join, running with their original line a little west of north to W. R. Bryan's northwest corner in A. Chatham's line; thence in a west direction passing north of A. L. Hendrick's residence, crossing the creek at the bridge above R. W. Reece's to the Elk's Spur Road so as to include William Gilliam; thence with said road to E. N. Gwyn's line; thence with E. N. Gwyn's line to the Yadkin River; thence down said river to the beginning, being about one mile square.

Annual election.

SEC. 3. That there shall annually on the first Monday in May

Officers.

in each year be elected a Mayor and five Commissioners, who

Term of office.

shall hold office until their successors are qualified; all to be elected by the qualified voters of the town.

Qualifications of elector.

SEC. 4. That any qualified elector in this State shall be eligible as Mayor or Commissioner: *Provided*, he shall have resided in the corporation twelve months next preceding the day of the election.

Qualifications of elector.

SEC. 5. That all persons entitled to a vote in the county of Surry for members of the General Assembly and who shall have been *bona fide* residents of the town of Elkin ninety 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, immediately after the election and before entering upon the duties of his office, shall before a Justice of the Peace take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all of the duties of the office of Mayor of the town of Elkin while I continue therein, and will cause to be executed, as far as is in my power, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever."

SEC. 7. That each Commissioner, before entering upon the duties of his office, shall take before the Mayor or some Justice of the Peace, an oath that he will truly and impartially perform the duties of a Commissioner for the town, according to the best of his skill, ability and judgment.

SEC. 8. That the Board of Commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe terms of office. The Board of Commissioners shall be further authorized to appoint one of their members a Mayor *pro tempore* to act as Mayor in case of absence of the Mayor or his inability to perform the duties of his office.

SEC. 9. 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 execution upon any adjudged violation thereof and to execute the by-laws, rules and regulations made by the Commissioners. The Mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined at the discretion of the Court or Mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the Mayor or Court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county. If the accused is dis-

Oath of mayor.

Oath of commissioners.

Vacancies.

Appointment of officers.

Terms of office.

Mayor pro tem.

Mayor an inferior court.

Jurisdiction.

Mayor a special court.  
Jurisdiction.

Imprisonment of offenders.

Appeal.	satisfied with the judgment of the Mayor or Court he may appeal in like manner as prescribed for appeals from judgments of a Justice of the Peace.
Precepts, to whom issued. Where executed.	SEC. 10. That the Mayor may issue his precepts to the Town Constable, who may execute the same anywhere in Surry County, or to such other officers to whom a Justice of the Peace may direct his precepts. An endorsement by the Mayor of the names of the witnesses upon a summon or warrant shall be authority for the officer to execute the same. The Mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings.
Endorsement of names of witnesses on summons or warrant equivalent to subpoena. Mayor's minutes.	
Offender failing to pay fine, etc., may be worked on streets.	SEC. 11. That the Board of Commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on any person or persons for violation of any ordinance, by-law or regulation of said town; and the Commissioners shall have authority by their ordinances and by-laws to confine and control and manage such persons until the said fine, penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as Commissioners may adopt.
Power to imprison, etc., until fine and cost worked out.	
Right to commit to jail or lockup.	SEC. 12. That any Town Constable, Policeman, Watchman or town officer arresting any person or persons for violation of any of the ordinances of the town shall have the right to commit such person or persons to the lock-up or the common jail of the county for as early trial as practicable.
Power to lay out, open, enlarge, widen, change, extend or discontinue streets.	SEC. 13. That the Commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and the Commissioners can not agree as to damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the Mayor shall in his stead select one for him, and in case the two chosen as aforesaid can not agree, they shall select an umpire, whose duty it shall be to examine the land condemned and to 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
Proceedings in arbitration to ascertain damages.	
Effect of award.	

of the rights of the parties and shall vest in the Commissioners the right to use the land for the purpose specified; and all damages agreed upon by the Commissioners or awarded by the arbitrators shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the Superior Court as now provided by law.

Damages, how paid.

Appeal.

SEC. 14. That the Board of Commissioners of the town of Elkin shall have power not oftener than annually to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the General Assembly for public purposes: *Provided*, that the rate of taxation shall not exceed thirty-five cents on the hundred dollars valuation in any one year, and the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Elkin who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets.

Taxation.

Maximum rate of taxation.

Commutation tax.

SEC. 15. That in addition to subjects liable to taxation for State purposes the Commissioners shall have power to levy and collect a specific or license tax on the following subjects to-wit: All itinerants, auctioneers, merchants or peddlers vending or offering to vend in the town, each express company, each telephone office, each photograph artist and person taking likenesses of the human face, dealer in patent rights, each sewing machine company or agent, each commission merchant and commercial broker, each distiller of fruit or grain, each livery stable keeper, every non-resident, truckster or trader or agent of such who buys produce on the streets for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray and each omnibus.

License tax.

Subjects upon which license tax may be levied.

SEC. 16. That the Commissioners shall have power to declare all horses, cattle, hogs and sheep running at large within corporate limits of the town a nuisance, and the Commissioners may at their option impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated.

Provisions for stock law.

SEC. 17. That no person shall erect, put up, keep, use or maintain any billiard table, any ten-pin alley, or any gaming table or place, by whatever place (name) known or called, at which games of chance, hazard or skill shall be played within the corporate limits of Elkin without first having paid the tax and obtained license therefor as herein required.

Games of chance, hazard or skill prohibited without license.

SEC. 18. That the Commissioners may require and compel the abatement and removal of all nuisances within the town at the

Abatement of nuisances.

Slaughter houses, offensive or unhealthy trades, etc.

Power to require land owners to construct and keep in repair sidewalks, etc., or to pay for it if done by town.

Provisions for extinguishing fires, etc.

Powers of commissioners as to police regulations.

Fire companies.

Power to destroy houses to stop fires.

All of Chapter 62 of The Code, not inconsistent with this act, made applicable to Elkin.

Conflicting laws repealed.

expense of the person causing the same or the owner or the tenant of the ground wherever the same may be; they may also prevent the establishment of, and may regulate, if allowed to be established, any slaughter house or place for the exercise within the town of any offensive or unhealthy trade or occupation.

SEC. 19. That the Board of Commissioners shall have the power to require owner or owners of lots on such streets as they may direct, to construct and keep in proper repair the sidewalks in front, and on all sidewalks adjoining said lots, in such manner as may be prescribed by said Commissioners, and in case of failure of said lot owner so to do, the authority to do it at the expense of said lot owner, which shall be a lien and charge upon said lot: *Provided*, the Commissioners shall require the same to be done with earth, gravel or sand.

SEC. 20. That the Board of Commissioners shall have power to provide water, take all proper means to prevent and extinguish fire, to make regulations to cause due observance of the Sabbath, appoint and regulate town watchers, 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 driving and riding on the public streets and to keep and 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 adjacent lots who may refuse to do the same on five days' notice from the Mayor of the town.

SEC. 21. That the Commissioners may provide for the organization, equipment and government of fire companies, and in all cases of fire a majority of such Commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to anyone for damages.

SEC. 22. That the town of Elkin is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two, volume two, of The Code, entitled "Town and Cities," not inconsistent with any of the provisions of this act.

SEC. 23. That all laws and clauses of laws in conflict with this act, especially sections 23, 24, 25, 26, 27, 28, 29, of the Private Laws of the General Assembly of North Carolina for 1893, chapter 368, be and the same are hereby repealed.

SEC. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 89.

## AN ACT TO INCORPORATE THE NEW RIVER DEVELOPMENT COMPANY OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Richard Wood, George B. Wood and G. W. Blake, of the State of Pennsylvania; R. G. Bourne, R. B. Roane, J. D. Patton and G. M. Holstein, of the State of Virginia, and John Dent, George M. Pell and W. C. Fields, of the State of North Carolina, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and corporate by the name of the New River Development Company of North Carolina, and as such may sue and be sued by their corporate name, plead and be impleaded in any Court in this State, and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect and appoint all necessary officers, and prescribe their powers and duties, and to have and use a corporate seal, which it may change or alter at pleasure. To acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell, or otherwise transfer such real, personal and mixed property as may be necessary, or convenient to carry out the purposes of this charter, and to have and exercise all and every other power, privilege, franchise and right, common or necessary to similar corporations, and not inconsistent with the laws of this State or the provisions of this act.

SEC. 2. That the said corporation be and is hereby authorized and empowered to build, construct, maintain and operate a railroad and branch railroads with one or more tracks, from some point on the Virginia line on the northern boundary of the counties of Ashe and Alleghany, to some point or points within the counties of Ashe, Watauga, Wilkes, Caldwell, Mitchell, Yancey, Buncombe, Madison, Burke and McDowell. Said railroad can enter, go out of and re-enter the State at as many points as it may choose, along the said boundary line of said Ashe and Alleghany counties, and to facilitate the construction of said road the counties mentioned in this section, or either of them, shall have and are hereby granted the power to subscribe to the capital stock of the said corporation, under the regulations and provisions in section 1996 to section 2000, inclusive, of The Code of North Carolina, and said sections are hereby incorporated in and made a part of this act of incorporation.

Corporate powers.	SEC. 3. That said corporation, the New River Development Company, shall in addition to its powers to build and operate railroads and branch railroads, have the power to construct and operate turnpikes, tramways, electric railways, telephone and telegraph lines, and are hereby empowered to charge and collect reasonable toll for the use of same; to mine ores, build furnaces, log roads, bridges, mills of all kinds, and build dams to utilize the water power of New River and its tributaries, and to put up any other machinery it may see fit, for the purpose of development, and operate the same: <i>Provided, however,</i> that no rights are intended to be granted to condemn private property, for any of the foregoing purposes, except for the construction of railroads, branch railroads, turnpikes, telephone and telegraph lines, and electric railways.
Right to condemn land restricted.	
Capital stock.	SEC. 4. That the capital stock of said corporation shall be \$50,000, either in common stock or preferred stock or partly in each,
Power to increase.	as a majority of stockholders may determine, with the power to increase the same from time to time, by a majority vote of the stockholders, to \$5,000,000. That the stock of said company shall be in shares of \$100 each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their said subscription to the said capital stock. That books of subscription shall be opened by the incorporators or a majority of them at such time and places, and under such rules and regulations as they or a majority of them may prescribe, no subscription to be received unless accompanied with two per cent of subscription in cash. That said incorporators, or a majority of them, acting in person or by proxy, after the sum of fifty thousand dollars has been subscribed, shall call a meeting of the subscribers to the said capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some paper published in Ashe or Alleghany counties. That at such meeting the stockholders shall elect a Board of Directors, who shall immediately elect one of their number president of the company.
Shares.	
Share vote.	
Individual liability.	
Subscription books.	
When to organize.	
Notice.	
Directors; president.	
Subscription to capital stock.	SEC. 5. That subscriptions to the capital stock of said company may be made in money, land, labor or material necessary for the construction or equipment of said road, in bonds, stocks or other valuable credits in such manner and on such terms as may be agreed upon by the president and directors of said company.
May merge and consolidate with other railroads.	SEC. 6. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, per-



sonal and mixed: franchises, rights, privileges and property or any part thereof, with those of any other company or companies chartered by and organized under the laws of this State or any other State or States, whenever a majority of the stockholders of this company shall so desire.

SEC. 7. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other State, from time to time to subscribe for, purchase or hold the stock and bonds or either of this company, or to guarantee or endorse such bonds, and it shall and may be lawful for any railroad or transportation company or companies, created by the laws of this or any other State, to purchase, use or lease the railroad and branches, property and franchises of this company for such time and upon such terms as may be agreed upon between this company and such company or companies as shall be parties to the contract. That it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds or both of any other railroad or transportation company chartered by this or any other State, or to guarantee the bonds of any such company, or to purchase, lease or operate the road or line, property or franchise of any such railroad or transportation company: *Provided*, that the road or line of such company shall directly or by means of one or more intervening roads or lines be connected with the road of this company.

Other railroads may subscribe for, purchase or guarantee the stock and bonds of this company, and vice versa.

Proviso.

SEC. 8. That meetings of stockholders shall be held annually at such time and place, either in this or another State, as may be determined by them, and at all annual meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president, or by a majority of the directors, by notice mailed to each stockholder, or by publication in one or more newspapers in this State, thirty days before said meeting, and notices of annual meetings shall be likewise published.

Stockholders' meetings.

Officers to account.  
Special meetings.

SEC. 9. That the president and Board of Directors of this company shall have the power of appointing a vice-president, treasurer, and such other officers and agents as may be necessary for conducting the construction and management of the enterprises authorized by this act. The directors shall be elected annually by the stockholders, and shall remain in office one year, or until their successors are elected, and in case of vacancies occurring by death or resignation in the office of director, the same may be filled by the directors until the next meeting of the stockholders.

Officers.

Term of directors.  
Vacancies.

SEC. 10. The president and directors of said company, under authority from the stockholders, shall have power to make such

Power to expend money and contract debts.

expenditures and contract such debts as may be necessary for the construction and operation of the enterprises authorized by this act.

Power to borrow money and issue bonds, and secure the same.

SEC. 11. That authority is given to the said company to borrow money to such intent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest, not exceeding six per cent, as may be deemed advisable, and to issue therefor such bonds, either coupon or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors; and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchises of the company, or either or any part thereof.

Sections 1943 to 1957, inclusive, of The Code applicable.

SEC. 12. That this company shall enjoy the benefits and powers contained in sections one thousand nine hundred and forty-three to one thousand nine hundred and fifty-seven, inclusive, of chapter forty-nine of The Code of North Carolina, not in conflict with this act: *Provided, however,* that for the main track of said railroad the company can condemn the right of way of the width of one hundred feet, and for depots, side-tracks, dump, turn-outs and coal chutes, they can condemn only such land as is actually necessary for the proper construction and operation of same.

Width of right of way.

SEC. 13. That this act shall go into effect from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

#### CHAPTER 90.

AN ACT TO AUTHORIZE THE TOWN OF SNOW HILL TO SUBSCRIBE TO THE STOCK OF THE GREAT EASTERN RAILROAD COMPANY AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Snow Hill authorized to subscribe to capital stock of Great Eastern Railroad Company.

SECTION 1. That the town of Snow Hill, in the county of Greene, is hereby authorized to subscribe an amount not exceeding ten thousand dollars to the capital stock of the Great Eastern Railroad Company, on condition that said company shall run its roadway to or through said town of Snow Hill.

Commissioners to fix amount of subscription.

SEC. 2. That the amount of such subscription shall be fixed by the Commissioners of the town of Snow Hill, and the proposition to subscribe said amount to the capital of said railroad company.

and to levy a tax for the payment of same, shall be submitted to the qualified electors of said town of Snow Hill at an election to be held at any time subsequent to the ratification of this act, after twenty days' notice, specifying the amount of subscription to be voted for.

Proposition to be submitted to voters.

SEC. 3. That at said election those favoring said subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposing said subscription shall vote a ballot on which shall be written or printed the words "Against Subscription."

Form of ballots.

SEC. 4. That the day succeeding the election the Board of Town Commissioners of said town shall compare the votes as returned by the poll holders and judges of election and declare the result.

Comparison of votes and declaration of result. If authorized by majority qualified voters, commissioners shall subscribe to capital stock.

SEC. 5. That if the result of said election shall show that the majority of the qualified voters of said town have voted in favor of said subscription to the capital stock of said railway company, then the Commissioners of said town shall make said subscription to the capital stock of said railway company, payable on such terms as may be agreed upon between the Commissioners of said town and the authorities of said railway company.

SEC. 6. That in order to pay said subscription the Commissioners of said town may issue bonds of said town in such denominations as to them may seem best, running not exceeding thirty (30) years, bearing interest not exceeding six per centum (6 per centum) per annum, payable annually, with coupons attached, and sell the said bonds, or deliver the same to the authorities of said railway company in payment for said stock.

Bond issue

Maturity.

Interest.

Coupons.

Sale of bonds.

SEC. 7. That to provide for the payment of interest on said bonds and their redemption at maturity, the Commissioners of said town of Snow Hill are authorized each year to compute and levy on all property and polls of said town a sufficient tax to pay such interest and to provide a sinking fund for the payment of said bonds at maturity.

To levy special tax.

SEC. 8. That for the purpose of carrying out the provisions of this act and for paying the interest and investing the sinking fund, the Commissioners of said town are hereby authorized to appoint one or more trustees, who shall have the supervision and control of selling said bonds and paying said subscription and investing the sinking fund and paying the interest on said bonds, and paying off said bonds at maturity, which trustee or trustees shall give bonds in such sums as to the Commissioners of said town of Snow Hill shall seem proper for the faithful performance of their duties.

Trustees to control bonds, proceeds, sinking fund, special tax, etc.

Bonds of trustees.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

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CHAPTER 91.

AN ACT TO ESTABLISH GRADED SCHOOLS IN HENDERSON  
TOWNSHIP IN VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Henderson town-  
ship, Vance  
county, con-  
stituted school  
district.

SECTION 1. That all the territory embraced within the limits of Henderson Township, in Vance County, State of North Carolina, as now laid out and established, shall be and is hereby constituted a school district for the white and colored children, to be known and designated as "Henderson Graded School District."

Question of  
annual tax for  
graded schools to  
be submitted to  
voters of said  
township.

SEC. 2. That the Board of Commissioners of Vance County are hereby required to submit to the qualified voters of said Henderson Township, within three months after the ratification of this act, at an election to be held for said township, in the town of Henderson, Vance County, North Carolina, the question whether an annual tax shall be levied for the support of the graded schools in said township.

Form of ballots.

SEC. 3. That at the election held under the provisions of this act, those favoring the levying of such tax shall vote on a written or printed ballot, without device, with the words "For Graded Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device with the words "Against Graded Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election for members of the General Assembly. The Board of Commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the said graded school district.

Illegal voting,  
penalty.

Notice of election.

If majority qual-  
ified voters favor  
special graded  
school tax,  
County Commis-  
sioners to levy.

SEC. 4. That in case a majority of the qualified voters of said Henderson Township shall be in favor of such tax, the Board of Commissioners of Vance County shall in addition to other taxes laid upon said school district, annually compute and levy, at the time of levying other taxes, a sufficient special tax upon the property and polls of the white and colored persons of said Henderson Township to raise such a sum of money as the trustees hereinafter named for the said school district shall deem necessary to support and maintain said graded schools, which sum shall not exceed twenty cents on the one hundred dollars valuation of property, and sixty cents on each poll. Said trustees hereinafter named shall immediately after the election herein provided for report to the Board of Commissioners of Vance County what sum said trustees deem necessary to support and maintain said graded schools during the first year, and annually

Maximum tax  
rate.

Trustees to report  
sum needed to  
support and  
maintain graded  
schools.

thereafter the said trustees, thirty days prior to the time for levying the county taxes, shall report to the said Board of Commissioners of Vance County what sum is necessary to support and maintain the said graded schools during the next year. The taxes levied for the support of said schools, as herein provided, shall be annually collected as other taxes are collected, and paid over by the Sheriff or other collecting officer to the Treasurer of Vance County for the safe keeping and proper distribution of the same, and the said taxes levied and collected for said graded schools shall be kept sacred and separate and distinct from other taxes, by the said officers, and shall be used only for the purposes for which they were levied and collected.

Special tax, how collected.  
Paid over to treasurer.

Kept separate.  
Use restricted.

SEC. 5. That the Board of Trustees herein created and their successors shall be a body corporate by the name and style of "The Board of Trustees of Henderson Graded Schools," and by that name shall be capable of receiving gifts, grants and apportionments, purchasing and holding real estate and personal property, selling, mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to the said trustees shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate and personal property, shall be deemed sufficiently executed when signed by the chairman of the said Board of Trustees, and attested by the secretary of the said board.

Trustees a body corporate.

Corporate name.  
Corporate powers.

Execution of deeds, mortgages, etc.

SEC. 6. That it shall be the duty of said Board of Trustees to establish graded public schools for the white and colored children of said Henderson Graded School District, and the said Board of Trustees shall use and appropriate the funds derived from the said special taxes herein provided for, in such manner as shall be just to both races, without prejudice, and giving to each equal school facilities, due regard being had, however, to the cost of establishing and maintaining the graded schools for each race.

Duties of trustees

SEC. 7. That the Board of Trustees provided for by this act shall have entire charge and exclusive control of the public schools and property in said district; shall prescribe rules and regulations for their own government, and the government of the schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools in said district; shall make an accurate census of the school population of the district as required by the general school law of the State, and do all other acts that may be just and lawful in the management of the public school interest in said district: *Provided*, that all children resident in

Trustees to have complete control of public schools in said district.

Make rules and regulations.

Fix compensation of officers and teachers.

Make census, etc.

- Children between ages of 6 and 21 admitted tuition free. the said district between the ages of six (6) and twenty-one (21) years old shall be admitted into said schools free of tuition charges, and the Board of Trustees may permit attendance upon the said schools of children residing without the territory embraced in said graded school district upon such terms as the Board of Trustees may prescribe.
- Admission of non-resident children. SEC. 8. That all public school funds derived from the State and county of Vance, and which may from time to time be collected and apportioned under the general school law, for school purposes for the children in said district, and all monies to which said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the Treasurer of Vance County, and shall be applied to the keeping up of said graded schools under the order and direction of the said Board of Trustees. The said Treasurer of Vance County and his sureties on his official bond shall be responsible for the proper disbursement by said Treasurer of all monies collected under this act and received by him.
- State and county public school funds for said district to be used for graded schools. SEC. 9. That the following persons shall constitute the Board of Trustees for said graded school district, and shall hold office for the following terms, to-wit: D. Y. Cooper, J. B. Owen and F. R. Harris for the term of six years from and after the ratification of this act. Dr. J. D. Hufham, W. E. Gary and A. C. Zollicoffer for the term of four years from and after the ratification of this act: J. L. Currin, C. A. Lewis and George A. Rose for the term of two years from and after the ratification of this act. All vacancies occurring in the said Board of Trustees from any cause shall be filled by the Board of Trustees for the term of six years, except in the case of death or resignation, and in the event of either of these cases for the unexpired term of the trustee so dying or resigning.
- Names of trustees and terms of office. SEC. 10. That the said Board of Trustees shall have power to employ and fix the compensation of a Superintendent for said graded schools, and such teachers as are necessary, and to do all such other acts as may be necessary to carry on the said schools; they shall have power at any time to remove the said Superintendent or any teacher, and to employ others in his or her stead.
- Vacancies, how filled. SEC. 11. That the beginning and ending of the school term shall be fixed by the said Board of Trustees. That the property both real and personal of the public schools of the said school district shall become the property of the said graded schools, and shall be vested in the said Board of Trustees, and their successors in trust for the said graded schools; *Provided*, that in case of the discontinuance of the said graded schools all of the prop-
- Power of trustees as to superintendent and teachers.
- School term, how fixed.
- Public school property of district to become property of graded school. Proviso.

erty thereto belonging shall revert to and become the property of the public schools of the said districts.

SEC. 12. Under the direction of the said Board of Trustees the Superintendent elected by them, shall examine all applicants for the positions as teachers in said schools, and certify the result to the said board, before their election as such teachers by the board. No other certificates of qualification shall be necessary for such teachers before their election as teachers in said graded schools. The Superintendent shall also act as secretary to the said Board of Trustees, should the said board elect or require him to serve.

Superintendent to examine applicants for teacher's position.

Superintendent Secretary of Board.

SEC. 13. That the monies received as herein provided for shall be held by the Treasurer of Vance County to be disposed of under the direction of the Board of Trustees, whose warrant, signed by the chairman of said Board of Trustees and countersigned by the secretary of said board shall be the only valid voucher in the hands of the said treasurer for the disbursement of the said money in any settlement required of him by law, or by the said Board of Trustees.

District school money, how held and disbursed.

SEC. 14. That it shall be the duty of the said Board of Trustees to make annually after the close of each school year a full and complete report of the operations of said graded schools, together with a financial report, which shall show receipts and disbursements, and shall also make such recommendations and estimates and plans for the future as may in their judgment be advisable to the Board of Education of Vance County. Said trustees shall also include in their report such data and other information as may be required under the general school law.

Trustees' report.

SEC. 15. That nothing in this act shall prevent persons acting as trustees from holding any other office of profit or trust while acting as trustee.

Trustees may hold other office of trust or profit.

SEC. 16. That the election provided for under this act shall be held and conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election law of this State: *Provided*, that the said election shall be held at any time within three months after the ratification of this act, and the costs of holding said election shall be paid out of the funds raised by this act by the Treasurer of the county.

Election under this act, how held

Proviso.

SEC. 17. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 92.

## AN ACT TO INCORPORATE THE BANK OF RED SPRINGS.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That W. H. McDonald, A. B. Pearsall, R. W. Livermon, W. F. Williams, B. W. Townsend, W. J. Johnson, W. H. Carr, G. H. Hall, J. L. McMillan, their associates, successors, and assigns, are hereby constituted and declared a body politic and
Corporate name.	corporate by the name and style of "Bank of Red Springs," with
Principal office.	its principal office and place of general business at Red Springs,
Corporate powers.	North Carolina, and by that name may sue and be sued, plead and be impleaded, in any Court in the State, and have a continued succession for the term of sixty years.
Capital stock.	SEC. 2. That the capital stock shall not be less than fifteen
Shares.	thousand (\$15,000) dollars, in shares of one hundred dollars
Increase of capital stock.	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 (\$50,000) dollars.
Books of subscription.	SEC. 3. That the corporators named herein, or any three of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such place, and for such periods as they may determine, and the stockholders, or a majority of them, may at any time, at any general meeting called after the organization of said corporation, at their discretion, reopen books of subscription to said capital stock until the same as herein limited is wholly taken.
When to organize.	SEC. 4. Whenever five thousand (\$5,000) 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 stockholders 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, 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.
Directors.	
Term of office.	
Vacancies.	
Officers.	
Corporate privileges, purposes and powers.	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 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 restrictions 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, farmers, manufacturers 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 cotton, 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 the sale of personal property under chattel mortgages: said bank may discount notes or other evidences 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, minors, feme covert upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as allowed by the laws of the State, and 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 and the United

Corporate powers.

Storage business.

Corporate powers.

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.

**Corporate powers.** SEC. 7. The said bank may purchase and hold property, real and personal, or mixed, and such as may be conveyed to it to secure or satisfy the 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.

**Management of deposits of minors and feme coverts.** SEC. 8. That when any deposit shall be made by any minor or feme covert with said corporation, it may at its discretion, 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.

**Effect of and procedure on failure of subscriber to pay for stock.** SEC. 9. If any subscriber shall fail to pay his stock or any part thereof, as the same is required of him, the entire amount upon said stock shall be due, and may be recovered in the name of said corporation by civil action, either in the county of the office of the said corporation or of the residence of the said delinquent, or the entire stock of the said delinquent may be sold in the town of Red Springs after ten days' notice at the door of the 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, endorsed payable to said corporation.

**May act as agent, factor or trustee, and charge therefor.** SEC. 10. That said bank 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 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 such bonds, certificates of stock, notes, etc., and generally

for the managing such business and for doing any and all other matters and things authorized by this charter, said corporation may charge such premium, commissions, or rate of compensation as may be agreed upon and which is not prohibited by law.

SEC. 11. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, certificates of stock, bonds, evidences of debt, instruments of title, and all other things of value which may be left on deposit with the 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 as private individuals in the same capacity.

Particular  
deposits.

May act as trustee, executor, administrator, collector, guardian or assignee.

SEC. 12. No stockholder shall be in anywise 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.

Individual liability of stockholders.

SEC. 13. Said bank is fully authorized and empowered to 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 shall be in nowise considered separate and distinct of said corporation, but in all respects a part and parcel thereof, and regulated by the provisions of this act, and to the savings department, the bank itself shall be liable for their final payment as to its general depositors and creditors, and may receive deposits from minors without guardians, or married women, and pay same upon their checks or receipts, which shall be valid.

Savings bank department.

Corporate powers,  
rights and privi-  
leges.

SEC. 14. That said corporation shall have all the power, rights and privileges granted to any bank or banking institution now doing business in the State, together with the rights, powers and privileges incident or belonging to corporations as set forth in the laws of this State.

Lien on stock for  
debts due from  
stockholders

SEC. 15. That the bank shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors of the same dignity.

Agencies.

SEC. 16. That agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time, shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the State tax thereon be paid.

Official bonds.

SEC. 17. That the Board of Directors shall require the officers of said bank to give bond for the faithful performance of their duties.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

#### CHAPTER 93.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF WEAVERVILLE IN THE COUNTY OF BUNCOMBE.

*The General Assembly of North Carolina do enact:*

Chapter 108, Pub-  
lic Laws 1874-75,  
incorporating  
Weaverville,  
amended.

SECTION 1. That chapter one hundred and eight of the Public Laws of 1874-'75, entitled "An act to incorporate the town of Weaverville, in the county of Buncombe," be and the same is hereby amended as follows: That the words "one-half" in line two of section two (2) thereof be stricken out and the word "one" inserted in lieu thereof, it being the intention of this act that the corporate limits of said town shall extend one mile, instead of one-half mile, in all directions from the said J. W. Vandiver's, now J. W. Vandiver & Company's, store, in said town.

Corporate limits.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 94.

AN ACT TO AMEND CHAPTER 24, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1885, "AN ACT TO INCORPORATE HOPE MILLS MANUFACTURING COMPANY OF CUMBERLAND COUNTY," RATIFIED THE 19th DAY OF FEBRUARY, A. D. 1885.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1 of chapter 24, Private Laws of one thousand eight hundred and eighty-five, entitled "An act to incorporate Hope Mills Manufacturing Company of Cumberland County," ratified the 19th day of February, A. D. 1885, be and the same is hereby amended by striking out the words "five hundred thousand" in said section, and inserting instead thereof the words "seven hundred and fifty thousand," as the limit of the increase of the capital stock of the said company, so as to authorize an increase of the capital stock of the said company to the sum of "seven hundred and fifty thousand dollars."

Charter of Hope Mills Manufacturing Company, amended.

Limit to capital stock increased.

SEC. 2. That to the aforesaid section one (1) of the aforesaid charter as above amended, be added at the end thereof the following, to-wit: "That by and with the consent and approval of a majority of the outstanding common stock of said company, evidenced by a resolution to that effect, duly passed at any regular, annual or special meeting of the stockholders of said company, any increase of stock in said company, or any part thereof, hereafter made, or authorized by the stockholders to be made, within the limit aforesaid, may be issued as *preferred stock* of said company, upon such terms and conditions, and bearing such rate of dividends on such preferred stock, payable annually or semi-annually, as a majority of the outstanding common stock may authorize and determine as aforesaid."

Increased stock may be issued as preferred stock.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 95.

## AN ACT TO ESTABLISH A GRADED SCHOOL AT EAST BEND, YADKIN COUNTY.

*The General Assembly of North Carolina do enact:*

School district in East Bend established.

Boundaries.

SECTION 1. That a new school district be and the same is hereby established in the town of East Bend, in Yadkin County, bounded as follows, viz.: Beginning at Sarah Angel's house, runs eastward to H. F. Marler's house, then eastward to T. P. Webb's house, then southeastward to C. S. Benbow's house, then southwestward to J. M. Matthews' and Lewis Jackson's corner in the street leading to Glenn's Ferry, then southward down said street to Otis Wade's and John Martin's (colored) line, then eastward with A. Hollmund's line to E. Benbow's line, Hollmund's northeast corner; then southward with Benbow's and Hollmund's line to Benbow's southwest corner in Hollmund's line, then southwestward to R. S. Smitherman's tenant house, then northwestward to J. A. Martin's tenant house, known as the J. L. Martin house; then northwestward to Ellis Norman's house, then northward to Sarah Angel's, the beginning, including lines.

Question of tax for graded schools to be submitted to voters on 1st Monday in May, 1901.

SEC. 2. That the Board of Commissioners of the town of East Bend on the 1st Monday in May, 1901, at the same time and place of holding the election for the officers of said town, shall submit to the qualified voters in said territory in said town of East Bend, under such rules and regulations as they may prescribe, whether an annual tax shall be levied for the establishment and support of a graded school to be known as the "Union Graded School" for said district. That such registered voters of such election shall vote a ticket on which shall be written or printed the words "For School" or "Against School." In case a majority of the qualified voters in such election shall favor the tax, the same shall be levied and collected by the authorities of the town of East Bend, and the Tax Collector appointed by the Board of Town Commissioners of said town of East Bend shall have the same power and authority and receive the same compensation and be subject to the same liabilities for the collection of taxes within said district as a County Collector is by law for other taxes. The taxes thus levied and collected shall not exceed one-half of one per centum and the taxes on the poll shall be equal to the amount levied on three hundred dollars worth of property, and that all moneys arising from the special assessment herein provided for shall be levied by the Board of Education on the property and poll within said school district, and the Town Collector after having executed a bond duly approved by

Name of school.

Form of ballots.

If authorized by majority of qualified voters, tax to be levied and collected.

Power, authority and compensation of tax collector.

Amount of tax.

Taxes, how levied, collected and disposed of.

the Board of Education within said district shall collect such taxes, and pay the same over to the treasurer of said Board of Education. All moneys appropriated or apportioned by the county or State to said district shall likewise be turned over by the Treasurer of Yadkin County to the treasurer of said Board of Education.

State and county school funds for said district to be turned over to treasurer of local board.

SEC. 3. That the Board of Town Commissioners of said town of East Bend shall elect four persons, who shall constitute a Board of Education for said district; of these two shall be elected for one year and two for two years, and at the expiration of each term their successors shall be elected for two years. The Mayor of the town of East Bend shall be *ex officio* chairman of the Board of Education, but shall have no vote on any matter except in case of a tie.

Local Board of Education.

Term of office.

Mayor *ex officio* chairman.

SEC. 4. The members of the Board of Education so elected shall within three days after their election meet together and organize, electing one of their members as a clerk and another as treasurer, but before entering upon the discharge of their duties each member of the board shall take and subscribe to an oath before some Notary Public or Justice of the Peace of Yadkin County to faithfully discharge all the duties and obligations devolving upon them as members of the said Board of Education, and the treasurer shall enter into a penal bond in such sum as may be prescribed by said Board of Education and when the same is approved by them the treasurer shall enter into the discharge of his duties, receiving and receipting for all moneys due or paid into said district, and paying the same out by order of the said board upon a warrant drawn by the clerk, naming the appropriate fund, signed by the Mayor as *ex officio* chairman, and attested by the clerk. The treasurer shall also make out a full and complete financial statement annually on the first Monday in December, and post the same at the post-office in the town of East Bend.

When board to organize.

Oath of members of board.

Treasurer's bond.

Treasurer's duties.

SEC. 5. The Board of Education of said district is hereby empowered to rent or purchase a suitable building for the purpose of carrying on such school, and if said Board of Education see proper to purchase they shall have power to improve or enlarge the same.

Board authorized to rent or purchase building, etc.

SEC. 6. That the Board of Education for said district shall as soon as they determine to open the school, elect such teacher as may be necessary to carry on the work they have in charge, and fix the term of school and fix the salary of each teacher at such amount as they deem proper, and shall have such power to make all such by-laws, rules and regulations as may be necessary for the government of the school.

Election of teachers.

Term of school. Salaries of teachers. By-laws, etc.

Free tuition white resident children. SEC. 7. That all white children of both sexes between the ages of six and twenty-one years, having parents or guardians who are residents within the limits aforesaid, shall be permitted free of tuition in said school; all white children residing outside of the limits of said district may be admitted as pupils therein upon the payment of such rates of tuition as may be estimated by the Board of Education: *Provided*, that children whose parents or guardians own property and pay tax on the same within said district may be admitted free of tuition.

Admission of non-resident children.

Proviso.

SEC. 8. This is to take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

#### CHAPTER 96.

### AN ACT TO INCORPORATE VANCE BANKING AND LOAN COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators. SECTION 1. That David Y. Cooper, Samuel Watkins, George B. Harris, J. P. Taylor, John D. Cooper, J. B. Owen, W. S. Parker, M. Dorsey, A. C. Zollicoffer, W. A. Hunt and their associates and successors, are hereby created a body politic and corporate under the name and style of Vance Banking and Loan Company, and by such name shall have all franchises, rights, privileges incident to a corporation.

Corporate name.

Corporate powers, etc.

Capital stock. SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand (\$20,000.00) dollars, but the same may be increased from time to time to an amount not to exceed two hundred thousand dollars, to be divided into shares of the par value of fifty dollars each. The said corporation may organize and commence its business when ten thousand dollars of the capital stock shall have been subscribed and paid in.

Increase thereof. Shares.

When to organize.

Directors SEC. 3. That not less than five persons shall constitute a Board of Directors of the corporation to be selected by the stockholders when said corporation shall be organized, who shall manage the affairs of the corporation for one year or until their successors are elected. No person other than a stockholder shall be eligible as a director. The said directors shall elect a president and all other necessary officers, employees and agents.

Term of office. Qualifications. Officers.

Principal office. SEC. 4. The principal office and place of business of the said corporation shall be in the town of Henderson, county of Vance, State of North Carolina.



SEC. 5. The Board of Directors shall be elected annually by the stockholders; the directors so elected shall choose the officers aforesaid, and may require the cashier, and other officers, and such other employees as they may think advisable, to give bond, with approved security, for the faithful performance of their respective duties.

Election of directors.

Election of officers.

Board of officers.

SEC. 6. The corporation hereby created shall have power to make contracts, to have and use a common seal, to sue and be sued in the Courts as fully as natural persons, to buy, hold, possess and convey real, personal and mixed property, to make by-laws for the regulation and management of the business of the corporation, and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy.

Corporate powers.

Voting power of stock.

SEC. 7. That said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments, or personal property, or any interest therein of any description, situated anywhere; to lend money upon, or purchase or otherwise accept bills of lading as the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial paper, or any crops planted, matured or thereafter to be planted, or produce whatever, and what is known as cash credits 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 any such loans not exceeding the rate allowed by law.

Corporate rights and powers.

SEC. 8. That the said corporation 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 said company; may sell or subscribe any of the property real or personal, or any interest acquired therein by it, to any other corporation for any of its bonds, securities, property, real, personal or mixed, obligations or capital stocks as may be agreed upon, without liability on such stock so purchased or subscribed

Corporate powers.

for, beyond the agreed terms of said purchase or subscription. That the 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, as an investment or otherwise.

**Corporate powers.** SEC. 9. The said corporation shall be invested with all the powers and privileges usually incident to the banking institutions and to savings banks, with the right to receive deposits, 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 agreed on 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.

**Savings bank provisions.**

**Deposits of minors and married women, how managed and withdrawn.**

SEC. 10. The said corporation may receive deposits from minors and married women and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the said corporation may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and any payment made to such minor or married woman on his or her receipt, or acquittance, or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon, or any part thereof.

**Power to become surety on bond.**

SEC. 11. That the said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice, as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the corporation to do so.

**Power to act as agent, factor or trustee.**

SEC. 12. That the said corporation 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, bond 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. 13. That the stock of the said corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock, except by the consent of the Board of Directors while he is indebted to the corporation as principal, security, overdraft, or otherwise; and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said holder.

Stock, how transferred.

Indebtedness for stock gives corporation prior lien.

SEC. 14. That the said corporation shall have power to receive money in trust, become executor or administrator of any 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 or transfer, devise or bequest, and hold any personal or real estate or trust created in accordance with the laws of this State, and to execute the same on such terms as may be established by the Board of Directors, or such as may be agreed upon.

Power to act as trustee, executor, administrator, etc.

SEC. 15. That in all cases when application shall be made to any court of this State, for the appointment of any receiver, trustee, administrator, assignee, commissioner, or guardian of any minor, or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit to do so, to appoint Vance Banking and Loan Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of the said corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and upon such settlement and adjustment all proper legal and customary charges, cost and expense shall be allowed to the said corporation for its service, care and management in the premises, and the said corporation, as such receiver, trustee, administrator, executor, assignee or commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned may be taken by any officer of the said company, and the oath prescribed by law may be so modified as to apply to corporations instead of to individuals.

Provisions for acting as receiver, trustee, guardian, executor, administrator, commissioner, agent, etc.

Oath as fiduciary.

SEC. 16. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various courts of this State, and to pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds, and silver

Special and particular deposits for safe keeping.

State bank notes.

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; whenever by any general banking law of the State, State banks shall be allowed to issue notes to pass as currency or money, this corporation shall have the power to issue such notes in the same proportion and upon the same terms and conditions as provided for other State banks in said general law.

Storage warehouse business.

SEC. 17. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares and merchandise, cotton and other products, and to charge and receive commission, rents, and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon all the property so stored; may make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; may make advances of money or credit upon cotton or other product and merchandise stored as aforesaid, and do all such things as may be necessary and profitable in and about such storage business as are not contrary to law, and the receipts issued by the said company for goods, wares, merchandise, cotton, tobacco and other products or property stored as aforesaid, shall be and are hereby declared to be negotiable instruments, passing by delivery or endorsement, and entitling the holder thereof to the property marked and designated therein, without regard to the depositor of the said property, and transferring the title to the property therein mentioned and described to the holder of the receipt or certificate of deposit. The holder of the said receipt or certificate shall be entitled to receive the property therein mentioned and described from the corporation on delivery of the receipt or certificate and paying the corporation whatever sum or sums there may be due on the said property for advancements, endorsements, charges, guarantees, storage, labor, insurance, and all expenses, with interest and costs thereon, if any have accrued. In the event of the loss or destruction of a receipt or certificate given by the company for property on storage or deposit the *bona fide* holder of such receipt or certificate at the time of its loss or destruction, his representatives or assigns, shall have the same right to receive the said property from the said corporation that he or she or they would have had upon delivery of the said receipt or certificate upon satisfactory proof

of its loss or destruction, and upon delivery to the said corporation of a proper bond of indemnity with security satisfactory to the said corporation.

SEC. 18. The said corporation may appoint or employ an intelligent, experienced, reliable man, skilled in the handling of tobacco, cotton, and other products, and possessing a good general knowledge of other things and their value, who shall under oath, whenever so directed by the said corporation, carefully examine and sample all tobacco, cotton and other things deposited with the said corporation, and make a record of the same in a book kept by him for that purpose, and when so required by said corporation, or at the request of the owner or holder of the receipt or certificate of deposit, he shall give a certificate of such examination and sampling with the date thereof, and the order and condition of the tobacco, cotton or other things so examined and sampled, and the cash value of the same.

May employ an expert grader of tobacco and other things in storage.

His duties.

SEC. 19. That it shall be lawful for the said corporation to sell at public auction or private sale all properties or securities of whatsoever kind mentioned or specified in any contract or agreement between the corporation and the other party or parties to the said contract or agreement, after the maturity of an obligation under the said contract or agreement upon giving the party or parties in interest ten days' notice of its intention to sell such properties or securities, and to reimburse itself out of the proceeds of such sale for the money due it with interest, storage costs and charges, and to indemnify itself for any loss it may sustain for the non-fulfilment of such contract, or by reason of any misrepresentation, fraud or concealment.

Sale of security property.

SEC. 20. The said corporation may make such stipulations in its receipts or certificates of deposit as to loss or damage arising by fire or other causes it may deem necessary and proper.

Stipulations in receipts and certificates of deposit.

SEC. 21. The stockholders of the said corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and agreements of this corporation, to the extent only of the amount of the stock held therein at the par value thereof, in addition to the amount invested in such share or shares, but beyond this the stockholders shall not be individually liable.

Individual liability of stockholders.

SEC. 22. This corporation shall have a duration of fifty years from and after the ratification of this act.

Corporate existence.

SEC. 23. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 97.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
HENDERSONVILLE.

*The General Assembly of North Carolina do enact:*

That the following amendments shall be made to the charter of the town of Hendersonville:

Chapter 35, Private Laws 1883, Chapter 67, Private Laws 1887, and Chapter 83, Private Laws 1889, amended.

Town officers.

Time of election and term of office.

Vacancies.

Election, how held.

Powers of mayor and commissioners as to water works, sewerage, streets, fire department, nuisances, police regulations, public buildings, marshals, taxes, fares, etc.

Power to subscribe to the capital stock of certain companies and to borrow money if authorized by majority of qualified voters.

SECTION 1. That section two, chapter thirty-five of the Private Laws of 1883; section one, chapter sixty-seven, of the Private Laws of 1887, and section one, chapter eighty-three, of the Private Laws of 1889, be amended so as to read as follows: "The administration and government of the town of Hendersonville shall be vested in one principal officer styled the Mayor, and a board of six commissioners to be elected bi-annually, that is to say, at the next regular election in May, 1901, a Mayor and three Commissioners shall be elected for two years, and bi-annually thereafter, and two Commissioners shall be elected for one year to fill out the term of office of those who have resigned since May, 1900, and at the regular election in May, 1902, there shall be elected three Commissioners and bi-annually thereafter, who shall hold their office for two years. That vacancies occurring shall be filled as now provided by law until the next regular election, and then the vacancies shall be filled for the unexpired term by an election by the people. Said elections shall be held as provided by law for the holding of municipal elections. That beyond the powers already conferred by law on the said Mayor and Commissioners, they may provide for a supply of pure water, effective sewerage, extending streets, adopt proper means to extinguish fires, suppress nuisances, make police regulations and pass ordinances imposing fines and penalties for their violation, erect a market-house, town hall or other buildings, appoint marshals, levy and collect taxes, regulate hack, carriage, bus, street car and dray fares, and charges for passengers and freight, and if, in the judgment of the Mayor and Board of Commissioners, upon a vote of the people, any one or more of the business objects mentioned above can be better accomplished by combining with private individuals or companies, they shall have power to subscribe in the name of the town of Hendersonville to the capital stock of any company which may be organized for the accomplishment or furtherance of such object or objects, and for said purposes they may borrow money by the consent of a majority of the qualified registered voters of the town which consent shall be obtained by a vote of the qualified vote, electors of the town.

after thirty days' notice of the time and place of election, published weekly in some town paper and at the court-house door in said town, and at said election those who favor the proposition shall vote a ticket upon which shall be written or printed the word 'Approved,' and those who oppose the proposition shall vote a similar ticket, upon which shall be written or printed the words 'Not Approved:' *Provided, however,* that no election shall be ordered by the Commissioners unless a petition asking for the same, signed by one-fourth of the qualified voters in the town, twelve of whom shall be actual owners of real estate located in said town, shall be first presented to the said Board of Commissioners: *Provided further,* that when any petition shall be filed before the Commissioners as set forth above, asking the Commissioners to call an election, the Commissioners shall pass upon the same, and if found sufficient shall so adjudge the matter finally and shall then call an election, to be held by a registrar and three judges, to be appointed by them from the freeholders and citizens of said town, at the court-house, which judges shall, at sunset on the day of said election, close the polls, count the votes, declare the result and make a true return of said result under their hands to the said Commissioners on the day following, with a like return of said result to the Register of Deeds for the county of Henderson, who shall record the same in the registry of deeds. The said Commissioners shall examine the returns, and if found regular shall so determine, and their determination, when entered upon the record of the minutes of the town, shall be conclusive as to the said election, against all persons, unless appealed from to the Superior Court in ten days thereafter. That when a majority of the voters of said town shall approve a proposition to borrow money to supply the town with water, lights and such other things as are allowed by law, in the manner aforesaid, the said Commissioners of said town shall have power to issue interest-bearing bonds, with interest and principal payable at times and places fixed by them, to be signed by the Mayor and attested by the corporate seal; and they shall have power, for the sole purpose of paying said bonds, their interest and the expenses incidental thereto, to levy and collect, by taxation on the subjects of taxation in said town, in addition to the taxes now allowed by the said town charter, an amount not exceeding twenty-five cents on the one hundred dollars worth of real and personal property, and seventy-five cents on every taxable poll."

Notice of election.

Form of ballots.

When election may be ordered.

Registrar and judges of election.

Duties of judges of election.

Record of result.

Examination and effect of returns.

When authorized by majority of qualified voters, commissioners may issue bonds.

How executed.

May levy and collect special tax.

Maximum amount.

Section 3, Chapter 81, Private Laws 1889, amended.

SEC. 2. That section three (3), chapter eighty-three (83), of the Private Laws of 1889, shall be amended by striking out the word "two" in line thirteen of said section, and inserting the word

"fine" in lieu thereof: *Provided*, that powers granted in this amendment shall apply only to the construction of water-works or sewerage system.

Sentence of imprisonment to be entered on Mayor's record but mittimus not necessary

SEC. 3. That in all cases where defendants are convicted by the Mayor and sentenced to pay a fine or to go to jail or the calaboose, it shall be necessary for the Mayor to make said order upon his records, but shall not be necessary for the Marshal or Policeman to have a written mittimus in order to execute the order of the Mayor.

Power to contract for electric lights.

SEC. 4. That the Commissioners shall have a right to enter into a contract with individuals or companies to supply the town with electric lights for a definite period of time, for a definite price, upon definite terms, for a period of five years or less, and reduce said contract to writing, which shall be binding upon the town

Power to provide for paving, macadamizing, guttering and curbing streets, etc.

SEC. 5. That the Commissioners shall have the power to anticipate the paving, grading, macadamizing, guttering and curbing of the sidewalks and streets of the town, and, with that view, may from time to time have such streets of the town as they may think proper, surveyed, leveled, and graded by a competent surveyor, with permanent grade pins set, and plats thereof made, so that the town and the owners of the abutting property may plan for the future and permanent building of streets, pavements and houses.

Land owners to make sidewalks.

SEC. 6. That whenever any street in said town shall have been graded, guttered and curbed, in whole or in part, including the sidewalks, it shall be incumbent on the owner or owners of the land along said street or part thereof so improved, to pave or make the sidewalk on their own side of the street respectively the full width across their respective fronts, with such materials and in such manner as the Board of Commissioners of said town shall direct. Whenever any street shall have been graded, guttered and curbed, the Board of Commissioners of said town shall, through their clerk, notify the owner or owners of the lands fronting thereon, to at once pave or make the sidewalks thereof as hereinbefore provided; and should such owner or owners fail for thirty days after such notice to comply therewith, said Board of Commissioners, unless they shall extend the time therefor, shall cause such sidewalk to be so built, and charge the cost thereof against such lots respectively, and cause the same to be entered by its clerk in a book to be kept by him for that purpose; and the said clerk shall place in the hands of the Tax Collector of said town, immediately, copies of such charges, and said Tax Collector shall forthwith proceed to collect the same

Procedure on failure of land owner to make sidewalk after notice.



and account therefor in the same manner as taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them are not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs for the whole of such lot, shall be advertised and sold by the Tax Collector of said city for the payment of the same under the same rules and regulations, rights of redemption, and in the same manner, as prescribed for the sale of real estate for unpaid taxes, but said Board of Commissioners may, in their discretion, divide any such charge in such manner that the same may be paid in three equal annual installments from and after the commencement of such work, with interest thereon at six per cent per annum from the date of such commencement.

SEC. 7. That said Board of Commissioners shall from time to time lay build and construct in said town such system or systems of water-works, water pipes, sewerage and sewer pipes, and extension of the same, as to them may seem advisable, or cause the same to be so laid, built and constructed, and shall keep the same in proper condition and repair, with proper connections and make all necessary provisions for so doing, and shall control and regulate such system and every part thereof, and may require the owner or owners of any improved lot in said town on any public street or alley where such water and sewer pipes have been laid or are conveniently accessible, or on any line of pipes, to connect such lot with such sewer and water pipes in the manner and at the places designated by said Board of Commissioners, upon like notice, terms and conditions as are hereinbefore provided for paving sidewalks, and upon failure of the owner or owners to so connect the same within the time in such notice required, said Board of Commissioners may enter upon such lot and make such connections, and charge the costs thereof against such lot in the same manner as is hereinbefore provided in the case of sidewalks, and such costs so charged shall be collected and shall constitute a lien upon such lot in the same manner and to be enforced in the same manner and with like powers and privileges as is hereinbefore provided in regard to sidewalks.

Provisions for  
water-works.

SEC. 8. That any street railroad company which has or hereafter may construct its lines of road or part thereof over any of the streets of said town shall maintain such road or part thereof, or construct the same only upon the following conditions: It shall use only such rails and other material as the Board of Commissioners may designate; it shall properly grade, complete

Provisions for  
street railway  
construction in  
said town.

and pave the street between its rails, and one foot on each side, in such manner as said Board of Commissioners may direct; it shall keep such street between and on the sides of said rails in good condition and repair, and in such condition and repair as said Board of Commissioners may from time to time order, so long as it shall use the same; if it shall fail to comply with any provision of this section, or to keep any such street in condition and repair as aforesaid, said Board of Commissioners may cause anything to be done which said railroad has so failed to do, and the costs thereof shall be charged against such railroad and constitute a lien from the commencement of the work paramount to every other lien upon the charter and franchises of such railroad and upon all the property of whatever kind of such railroad in said town of Hendersonville, and such property may be sold for the payment thereof in the manner prescribed for the sale of property for taxes, and any such failure on the part of said railroad shall operate as a forfeiture of its right to use such streets, or any of them, or any part of any of them, as such Board of Commissioners may determine: *Provided*, no company shall be required to pave the track until the streets shall be paved by the town.

Street paving  
question to be  
voted on.

SEC. 9. That when the Commissioners shall decide to pave the streets of said town or any of the streets of said town, the same shall be submitted to and decided by a majority of those voting upon the proposition, the vote to be taken in the same way that elections are held for other municipal purposes. Those who favor the proposition shall vote a ticket upon which shall be written or printed the word "Approved;" those who oppose the proposition shall vote a ticket upon which shall be written or printed the words "Not Approved."

Form of ballots.

Power to protect  
municipal prop-  
erty.

SEC. 10. That said Board of Commissioners shall have power to regulate, control and protect, in such manner and to such extent as to them may seem proper, the streets, alleys, sidewalks, public square, parks, city hall, fire department, markets, voting places, water-works, sewerage, cemeteries and other property of said town, whether real or personal, within the limits thereof or beyond such limits, and may pass and enforce all ordinances, rules and regulations therefor, from time to time, which they may deem proper.

Conflicting laws  
repealed.

SEC. 11. That all laws and clauses of laws in conflict with this act are repealed.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 98.

## AN ACT TO AMEND CHAPTER 360, PUBLIC LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1) of the Public Laws of 1899 be and the same is hereby amended by striking out the word "written" in line three (3) of said section.

Section 1, chapter 360, Public Laws 1899, relative to hunting in Wilkes County, amended.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 99.

AN ACT TO AMEND CHAPTER 134, PRIVATE LAWS OF 1899.  
RELATING TO THE TOWN CHARTER OF ELIZABETH-TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter 134, of the Private Laws of 1899, be amended as follows, viz.: Strike out all after the words "Cypress Street" in the eighth line of said section, and substitute the following in lieu thereof: "Thence with Cypress Street to King Street, thence with King Street to Lower Street, thence with Lower Street to the Cape Fear River, thence up the river to the beginning."

Town boundaries changed.

SEC. 2. That section 2 of said chapter is hereby repealed and the following substituted in lieu thereof, viz.: "That the officers of said town shall consist of Mayor, three Commissioners, a Town Constable, regular and special policemen, and a Clerk and Treasurer, and such other officers as the Town Commissioners may elect, and the following-named persons shall fill the offices of Mayor and Commissioners from the first Monday in May, 1901, until the first Monday in May, 1903, and until their successors are elected and qualified: For Mayor, R. S. White; for Commissioners, Jno. W. Hall, D. L. Smith and H. J. Lyon.

Town officers.

SEC. 3. That the Town Constable, Clerk and Treasurer and regular policemen shall be elected by the Town Commissioners and the special policemen shall be appointed by the Mayor.

Election of officers.

SEC. 4. That said chapter as amended by this act is hereby re-enacted.

Re-enaction.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 100.

## AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

Body politic.	SECTION 1. That the inhabitants of the city of Asheville shall be and continue as they have heretofore been a body politic and corporate, and henceforth the said corporation shall bear the
Style.	name and style of "City of Asheville," and under that name is hereby invested with all the property and rights of property which now belong to the present corporation of the city of Asheville, or to the inhabitants thereof in their corporate capacity under any other corporate name or names heretofore used; and by the cor-
Powers and privileges.	porate name of "City of Asheville" may purchase and hold for purposes of its government, welfare and 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 re-invest, as shall be deemed advisable by the proper authorities of said corporation.
Corporate limits.	SEC. 2. That the corporate limits of said city of Asheville shall
Boundaries.	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 running 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 said bank of said river marked "A. C. L.;" thence north seventy-four degrees east to a stone marked "A. C. L.," one hundred feet 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 from the beginning; thence to the beginning.
Four wards.	SEC. 3. Said city shall be divided into four wards, respectively designated and bounded as follows:
Boundaries to Ward 1.	Ward 1. That part of said territory included within a boundary beginning at the center of South Main Street where it crosses the southern boundary of the city, and running with the center of said street northward to the center of College Street; thence with the center of College Street eastward and southeastward to to where College Street crosses Beaucatcher Gap; thence east to

the city boundary, thence with the city boundary southward and westward to the beginning.

Ward 2. All that part of said territory lying east of North Main Street not embraced within the boundary of said Ward one. Boundaries to Ward 2.

Ward 3. All that part of said territory included within a boundary beginning in the center of Main Street opposite the center of Patton Avenue, and running with the center of Patton Avenue to its termination in Haywood Street, near Buttrick Street; thence with the center of Haywood Street westward to the center of Spring Street at its eastern termination; thence with the center of Spring Street northwestwardly to its western termination in Haywood Street, thence with the center of Haywood Street to the city boundary at French Broad River; thence with said city boundary northward and eastward to the point where said boundary crosses the center of North Main Street; thence with the center of North Main Street southward to the beginning. Boundaries to Ward 3.

Ward 4. All that part of said territory lying west of South Main Street not embraced within the boundaries of said Ward three. Boundaries to Ward 4.

SEC. 4. That the Board of Aldermen of said city shall consist of six Aldermen elected by the qualified voters of said city; two of said Aldermen to be elected without regard to the wards of said city in which they reside, and to be known as Aldermen at large, one of said Aldermen to be, at the time of his election, resident of Ward one, one of said Aldermen to be, at the time of his election, a resident of Ward two, one of said Aldermen to be, at the time of his election, a resident of Ward three, and one of said Aldermen to be, at the time of his election, a resident of Ward four. Board of Aldermen.  
  
Qualifications.

SEC. 5. That there shall be elected by the qualified voters of the city of Asheville on the first Monday in May, nineteen hundred and one, and every two years thereafter, on the first Monday in May, a Mayor for said city, who shall be a resident and qualified voter thereof, and whose duties when elected and qualified, shall be the same as those herein and now prescribed by law and such as may hereafter be prescribed by law for Mayor of said city, and who shall hold his said office for the term of two years from and after his election and until his successor shall be duly elected and qualified. Mayor, election of  
  
Qualifications.  
  
Term.

SEC. 6. That there shall be elected by the qualified voters of the said city of Asheville on the first Monday in May, nineteen hundred and one, and every four years thereafter on the first Monday in May, three Aldermen for said city, who shall be residents and qualified voters thereof, and whose duties shall be the same as those herein and now prescribed by law, and such as may be The Aldermen to be elected.

Qualifications.	hereafter prescribed by law for Aldermen of said city, one of whom shall be elected without regard to the ward of said city in which he may reside, and shall be known as Alderman at large, and one of whom shall be at the time of his election, a resident and qualified voter of Ward two, and the other shall be at the time of his election a resident and qualified voter of Ward four of said city; and each of said Aldermen shall hold his said office for four years from and after his election and until his successor shall be duly elected and qualified.
Tenure.	
Aldermen continued.	SEC. 7. That there shall be elected by the qualified voters of said city on the first Monday in May of the year nineteen hundred and three, and every four years thereafter on the first Monday in May, three Aldermen for said city, who shall be residents and qualified voters thereof, and whose duties shall be the same as those herein and now prescribed by law and such as may hereafter be prescribed by law for Aldermen of said city, one of whom shall be elected without regard to the ward of said city in which he may reside, and shall be known as Alderman at large, and one of whom shall be, at the time of his election, a resident and qualified voter of Ward one, and the other shall be at the time of his election a resident and qualified voter of Ward three of said city, and each of said Aldermen shall hold his said office for four years from and after his election and until his successor shall be duly elected and qualified.
Qualifications.	
Tenure.	
Power to fill vacancies.	SEC. 8. That the Aldermen of said city elected on the first Monday in May, eighteen hundred and ninety-nine, and now holding office therein, and such Alderman or Aldermen as have been or may hereafter be elected by the Board of Aldermen of said city to fill any vacancy or vacancies caused by the death or resignation or removal of any Alderman or Aldermen elected on the said first Monday in May, eighteen hundred and ninety-nine, shall continue to hold their said offices respectively until the first Monday in May of the year nineteen hundred and three, and until their respective successors shall be duly elected and qualified.
Police justice to be elected.	SEC. 9. That there shall be elected for the city of Asheville by the qualified voters of said city, under the rules and regulations as now provided by law or such as may hereafter be provided by law for the election of a Mayor for said city, on the first Monday in May, nineteen hundred and one, and every two years thereafter, on the first Monday in May, "a Police Justice," a Superintendent of water-works, a City Tax Collector, a City Treasurer and a Chief of Police, each of whom shall be a citizen and qualified voter of said city, and whose duties shall be such as are hereinafter set forth and such as may hereafter be prescribed by law for such office and said officers shall hold their respective offices for the term of two years from and after their election
Superintendent of water works; treasurer; chief of police.	
Qualifications.	
Tenure.	

and qualification, and until their successors are duly elected and qualify.

SEC. 10. That in case a vacancy shall occur in any of the offices mentioned in the preceding sections of this act, by death, resignation or otherwise, the Board of Aldermen of said city shall elect some resident and qualified voter of said city, possessing the qualifications herein required for the office for which such vacancy may occur, to fill such vacancy, who shall hold the office to which he is appointed until the next regular election for said city, when some resident and qualified voter of said city, possessing the qualifications herein required, shall be elected to fill the unexpired term, in case such term shall not already have expired, or to fill said office.

Vacancy, how filled.

SEC. 11. That the Mayor and Aldermen and other officers elected in said city, and now holding office therein as such, whose terms have not expired, shall hold their said respective offices until their said terms shall have respectively terminated and as hereinbefore provided.

To continue in office.

SEC. 12. That the elections hereinbefore provided for shall be held under the same rules and regulations as are now prescribed or may hereafter be prescribed for the election of members of the General Assembly, but the powers and duties in such rules and regulations conferred upon and directed to be exercised by the Sheriff are hereby conferred upon and directed to be exercised in said elections by the Chief of Police of said city, and the powers and duties in said rules and regulations conferred upon and directed to be exercised by any other officer or officers, body or bodies, board or boards, or his, their or its appointees, or employees respectively, are hereby conferred upon and directed to be exercised by the Board of Aldermen of said city or its employees or appointees respectively in said elections. Every citizen residing within the corporate limits of said city who is qualified to vote for members of the General Assembly, and who shall have resided in said city for ninety days and in the precinct in which he offers to vote for fifteen days preceding any such election, immediately, shall be entitled to vote at such election, upon compliance with the law regarding the registration of voters thereat. And the Board of Aldermen of said city are hereby authorized and empowered, in its discretion, to order and require a new registration of all the voters of said city whenever it may see fit, such new registration to be conducted in the same manner and under the same rules and regulations as are now prescribed or may hereafter be prescribed for the registration of voters at election of members of the General Assembly. Each elector shall vote one ballot, on which shall be placed the names

Regulations governing elections.

Qualifications of voters.

Elections, how held.

- and offices of the persons voted for, either written or printed. At any such election the person who shall receive the highest number of votes for any office allowed to be voted for at such election shall be declared elected to that office. At the conclusion of any election the judges thereof shall ascertain and declare the result, and the Chief of Police of said city shall immediately, in person or by deputy, proclaim such result at the front door of the city hall of said city, and within thirty-six hours thereafter such judges shall certify to the Mayor of the said city such result in writing signed by them, which writing shall be filed by the Mayor in his office. 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 receive as great a number of votes for such office, the judges of election shall decide who of those receiving such equal number of votes is elected to such office.
- Result declared.** SEC. 13. Every other election in said city for municipal purposes shall be held and conducted in the same manner and under the same rules and regulations as are above prescribed for election for Mayor and Aldermen, in so far as the same are applicable.
- Other elections.** SEC. 14. The Mayor and Aldermen shall be installed in their respective offices at twelve o'clock meridian, on the third Monday in May, of the year of their election.
- Installation.** SEC. 15. The Aldermen of said city shall establish as many voting places therein as they shall, from time to time, deem necessary: *Provided*, that there shall be at least one voting place in every ward thereof.
- Voting places.** SEC. 16. Before entering upon the duties of his office the Mayor shall take and subscribe before some person authorized by law to administer oaths, the following oath: "I . . . . ., do solemnly swear that I will perform, according to my best skill, judgment and ability, all and every the duties of the office of Mayor of the city of Asheville while I continue in said office, and will cause to be executed, as far as in my power lies, all laws, ordinances and regulations made for the government of said city, and in the discharge of my duties I will do justice in all cases. So help me God." Said oath shall be by him immediately filed in his office.
- Proviso.** SEC. 17. Each Alderman, before entering upon the duties of his office, shall take, before the Mayor, an oath that he will truly and impartially perform the duties of an Alderman of the city of Asheville according to his best skill, judgment and ability, and the Police Justice of said city, before entering upon the duties of his office, shall take and subscribe before the Mayor of said city the following oath:
- Oath of mayor.**
- Oath of alderman.**



"I, ....., do solmenly 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, faithfully and impartially perform the duties of the office of Police Justice of the city of Asheville according to my best judgment and ability. So help me God." Said oath, taken and subscribed by the Police Justice as aforesaid, shall be immediately filed by the Mayor in the archives of the city.

SEC. 18. If the person elected Mayor of said city shall neglect or refuse to qualify at the time provided therefor, or if after he shall have qualified there shall occur any vacancy in the office of Mayor of said city, or if the Mayor shall become a non-resident of said city, or for three consecutive months shall absent himself therefrom, the Aldermen of said city shall, at their next regular meeting, declare said office of Mayor vacant, and shall at their next regular meeting thereafter choose by ballot some competent person as Mayor of said city for the term, or the unexpired portion of the term, as the case may be. In like manner all vacancies in the office of Alderman shall be filled by the remaining Aldermen.

SEC. 19. That any person elected Mayor or Alderman or Police Justice who shall neglect or refuse to qualify and act as such shall be guilty of a misdemeanor, and upon conviction thereof shall be fined fifty dollars or imprisoned thirty days.

SEC. 20. The Police Justice of the city of Asheville is hereby constituted a special court with all the jurisdiction and powers in all criminal offences, occurring within the limits of said city, which are now or may hereafter be given to Justices of the Peace, and as such court shall also have exclusive original jurisdiction to hear and determine all offences and misdemeanors consisting of a violation of an ordinance or ordinances of said city, except where legally he is incompetent to try the same, in which case the cause shall be, upon application of the defendant, removed for trial to such other court in the county of Buncombe as would but for this section have jurisdiction of the same; 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 cause pending in such last-mentioned Court. The proceedings of said Court shall be the same as are now, or may hereafter be, prescribed for courts of Justices of the Peace, except as otherwise herein provided, and in all cases there shall be a right of appeal on the part of a defendant adjudged guilty to the next Court of Buncombe County having superior general criminal jurisdiction. In all such cases

Refusal to  
qualify.

Refusal of  
officer to qualify.

Police court.

Jurisdiction.

Authority.

Incompetency.

Appeal.

Bond.	of appeal the Police Justice shall require bond from the defendant with such surety as is, in his judgment, sufficient to insure the defendant's appearance at the next succeeding term of the appellate court, and on defendant's failure to furnish such bond the Police Justice shall commit such defendant to the common jail of Buncombe County. Said court shall also have jurisdiction
Recovery of penalty.	to try all actions for the recovery of any penalty imposed by law, or this act, or by any ordinance of said city, for any act done within said city, and such penalty shall be sued for and recovered
Minors.	in the name of said city of Asheville, and if incurred by a minor shall be recovered from, and in an action against, his parent or guardian, or if he be an apprentice, against his master. From any judgment for such penalty imposed or allowed to be imposed by this act, or for the violation of any ordinance of said
Appeals.	city, either party may appeal to the next term of the Superior Court of Buncombe County, in like manner and under the same rules and regulations as are prescribed for appeals from judgments of Justices of the Peace; and in case the Police Justice shall be disabled, by reason of relationship, or otherwise incompetent to hear and determine such action, the same may be instituted and prosecuted in any court within said county, which would, but for this section, have jurisdiction thereof, under the same rules and regulations as if instituted and tried in said Police Justice's court, where applicable. In all cases where judgment may be entered up against any person or persons for fines or penalties, according to the laws and ordinances of said city, as for criminal offences, and the person or persons against whom the same is so adjudged refuse, fail or are unable to pay such
Regulations.	judgment, it shall be lawful for the Police Justice of said city to order and require such person or persons to work on the streets or other public works of said city, under the supervision of the Chief of Police or street overseer thereof, and under such rules, regulations and forms of discipline as may be from time to time prescribed by the Board of Aldermen thereof, until, at a fair rate of wages to be prescribed by said Board of Aldermen such person or persons shall have worked out the full amount of such judgment and costs of prosecution.
Penalty.	

Disposition of fines.

SEC. 21. All fines and penalties collected for any misdemeanor declared by this act, or for any violation of any ordinance of said city, whether in the court in which the prosecution originated or in the court to which it was carried by appeal, shall belong to said city, and immediately upon collection shall be paid to the Treasurer of said city, and all judgments rendered in any court for such fines or penalties shall belong to and be controlled by said city and collected in the same manner in which by law

such judgments would out for this section be collected and enforced. All penalties hereinbefore provided to be recovered in the name of said city of Asheville shall belong, and upon collection, be paid to said city, and all judgments for the same shall belong to and be controlled by said city and be collected in the same manner as other judgments for money are collected, and may be docketed in the Superior Courts of this State in the same manner as is by law provided for the docketing of judgments, and when so docketed shall be and constitute liens in the same manner and to the same extent as other judgments so docketed. Judgments docketed.

SEC. 22. The Police Justice of said city may issue his precepts to the Sheriff of said county of Buncombe, or to any Constable or Policeman, or to any officer to whom a Justice of the Peace may direct his precepts. Power to issue warrants.

SEC. 23. The Police Justice of said city shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. Precepts issued by said Police Justice shall be executed by the officer or officers to whom they are directed, or any of them, anywhere in the county of Buncombe, and the costs allowed in said court shall be the same as those allowed by law in similar proceedings before Justices of the Peace: *Provided, however,* that all costs recovered and collected in prosecutions or proceedings before said Police Justice, or any other court of competent jurisdiction, for violations of the municipal laws and ordinances prescribed for the city of Asheville, shall belong to said city and shall be turned over by the officer collecting same, within ten days after said collection, to the Treasurer thereof, to be used in and for the support and maintenance of the police department of said city. In case of a vacancy occurring in the office of Police Justice of said city for any cause, such vacancy shall be filled by the election of a Police Justice for the remainder of the term, by the Board of Aldermen of said city. Said Police Justice shall be liable to removal from office by the Board of Aldermen, but only after due notice of the charges against him, and a full opportunity to be heard, and then only for misconduct amounting to nonfeasance, misfeasance or malfeasance in office. Receipts to belong to city.

In case of the temporary absence of said Police Justice from the city, or other temporary inability or disability on his part to perform the duties of his office, the same shall devolve upon or be performed by the Mayor or Vice-Mayor of the city; and in case neither the Mayor nor Vice-Mayor can act, for any cause, then by some Justice of the Peace residing within the city, to be named and designated by the acting Mayor. Vacancy. Misconduct in office.

SEC. 24. The Mayor of said city shall keep his office in some convenient part of said city designated by the Board of Aldermen Mayor's office.

Seal.	thereof. He shall keep the seal of the corporation and perform such duties as are herein and by law prescribed, and as shall be from time to time by law or by the ordinances of said city prescribed.
Salary.	The salary of the Mayor of said city shall be five hundred dollars per annum, payable in monthly instalments on the warrant of the clerk of the Board of Aldermen drawn on the Treasurer of said city and countersigned by the chairman of the Finance Committee of said Board of Aldermen.
Duties and power of mayor.	SEC. 25. The Mayor of said city shall be the chief executive officer thereof, and shall preside, when present, at all meetings of the Board of Aldermen thereof, and he shall have the right to vote upon all questions or motions involving the appropriation of public money or the disposition of public property, in the election of any officer, employee or agent of the city by said Board of Aldermen, and in all cases of a tie vote of the Aldermen present upon any other question, but shall not be allowed to vote in any other case. If he shall be absent at any such meeting the Board of Aldermen may appoint one of their own number to exercise <i>pro tempore</i> his duties at such meeting; and in the event of his extended absence the Board of Aldermen may appoint one of their own number to exercise <i>pro tempore</i> all his duties. But nothing herein provided shall be construed to require or allow the appointment of a Mayor <i>pro tempore</i> in any case except where the Vice-Mayor shall also be absent or unable to discharge the duties
Mayor pro tem.	of Mayor. The Mayor shall see that all the laws and ordinances of the city are faithfully executed; that the employees, agents and other officials of the city promptly and faithfully perform their respective duties, and shall be charged with a general oversight and superintendence of every department of the city government. He shall, from time to time, if in his opinion it may be either desirable or necessary, make written reports to the Board of Aldermen touching any matter herein committed to his charge or oversight, and suggesting remedies for any abuses that may be found to exist in any of the departments of the city government.
Duties of mayor.	He shall see that the Board of Aldermen are kept advised as to the condition of the streets in the city, and that all work thereon is faithfully and efficiently performed. He shall have the right to attend the meetings of all committees appointed by himself, or elected by the Board of Aldermen, and must at or shortly before the first meeting of the Board of Aldermen in the month of June
To keep aldermen informed.	of each year of his administration, submit a report summarizing the principal events, transactions and public improvements begun or completed during the next preceding year, and making any recommendations therein which, in his opinion, may prove of benefit to the city or to the public service. He shall have a general custody, direction, supervision and control of all the public
To submit a report.	

employees, work and works, improvements, grounds, buildings and property of the city not otherwise provided for by this act or by law. All written reports or recommendations of the Mayor shall be preserved by the City Clerk in the archives of the city, and copied upon the public records thereof. Reports to be preserved.

SEC. 26. The Aldermen of said city shall form a body to be known as the Board of Aldermen, and a majority of them shall constitute a quorum and be competent to perform all the duties prescribed for the Board of Aldermen, unless otherwise provided. Aldermen.  
Quorum.

SEC. 27. The Board of Aldermen shall convene at the Mayor's office on the third Monday in May of each year for the transaction of business, and at such meeting shall designate stated days for its meetings until the third Monday in May thereafter next ensuing, and such meetings shall be provided for and held at least once a week. Special meetings may also be held on the call of the Mayor, with written notice to all of the Aldermen then in the city, or on a call of a majority of the Board of Aldermen with written notice to the Mayor and to such Aldermen as shall not have joined in the call. Meetings to be held by aldermen.  
Call meetings.

SEC. 28. Any Alderman who shall fail to attend a regular meeting of the Board of Aldermen, or fail to attend any special meeting thereof of which he shall have notice as hereinbefore prescribed, shall forfeit and pay for every such failure the sum of four dollars for the use of the said city, and if the same shall not be paid the amount thereof shall be deducted from the next instalment of his salary as Alderman thereafter becoming due; but the Board of Aldermen may, for good cause shown satisfactory to it, excuse any such failure and remit any such penalty at any time before the same shall be paid or deducted as aforesaid. Failure to attend meetings.  
Excuses.

SEC. 29. The Board of Aldermen when convened shall have power to make such ordinances, rules and regulations for the proper government of the said city as they deem necessary, and provide for the proper execution thereof as they may think best. General powers of Board of Aldermen.

SEC. 30. Among the powers hereby conferred upon the Board of Aldermen are the following: To borrow money with the consent of a majority of the qualified voters of said city, which consent shall be obtained at an election, held after thirty days' public notice, whereat those who consent shall vote "Approved," and those who do not consent shall vote "Disapproved;" but they shall not, except as hereinafter provided, borrow any sum of money when the existing aggregate indebtedness of said city equals in amount one-fifth of the aggregate tax value of the property of said city as shown by its tax books of the preceding year or exceeds the same, nor any sum which, when added to the Specific powers.

aggregate indebtedness of said city then already existing, would render the full amount of the indebtedness of said city, other than that hereinafter provided, larger than one-fifth of the aggregate tax value of the property of the said city as shown by its tax books for the preceding year; and in any public notice of a proposition to borrow money so submitted to the votes of the qualified voters of said city as above provided, shall be included a statement of the then existing aggregate indebtedness of said city other than that hereinafter provided for, and of the aggregate tax value of the property of said city as shown by the tax books for the preceding year.

- Water-works. To provide a sufficient supply of pure water for said city, fix charges and rates therefor, and prescribe rules and regulations governing the use of same.
- Street repair. To provide for repaving and cleaning the streets and sidewalks of said city in the manner and to the extent such board may deem best.
- Markets. To establish and regulate a market or markets in said city, and erect or lease and use a suitable market-house or market-houses therefor.
- Fires. To provide proper and effectual means and regulations to prevent and extinguish fires in said city.
- Sunday observance. To make suitable regulations for the due observance of Sunday in said city, and to provide for the enforcement of the same.
- City watches. To appoint and regulate city watches.
- Nuisances. To prevent, suppress and remove nuisances in said city, other than sanitary nuisances.  
To regulate the manner in which dogs may be kept in said city.
- Quarantine. To make proper provisions and take all necessary measures to preserve said city from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein.
- Policemen. To appoint for said city all Policemen, except the Chief of Police, and other officers therefor which they may deem proper, to execute such precepts as may be lawfully issued to them, and to preserve the peace and good order of said city.
- Cemeteries. To establish and maintain one or more public cemeteries of such size as they may deem necessary within or without the corporate limits of said city, and to provide for the care and maintenance of the same, and the proper regulation, control and protection thereof.
- Peace and order. To make provision and take all proper measures to preserve the peace and order of said city, and to execute all the laws and ordinances thereof.

An except as herein otherwise provided, to enact and pass such laws, ordinances and regulations as said board may deem necessary to preserve the health of said city, and to provide for the due enforcement of the same. To enact loans and ordinances.

To determine, when necessary, the boundaries of the streets, lots and alleys of said city, and to establish new streets, lanes and alleys therein, and to make and keep for public inspection, and cause to be made and kept, accurate records of said streets, lots, lanes and alleys, and their boundaries. Streets.

To make provisions for licensing and regulating auctioneers and auctions in said city, and to provide for the enforcement of the same. Auctions.

To restrain and prohibit and punish gambling in said city, the punishment or penalty therefor to be in addition to that prescribed by the general laws of the State.

To provide for licensing, regulating or restraining theatrical and other public amusements within said city, and all public bills, posters and advertisements, and to enforce all such provisions. Theatres.

And, except as herein otherwise provided, to establish, provide for and regulate all necessary inspections within said city, whether of buildings or otherwise. Inspections.

To license, regulate and restrain bar-rooms and other places where spirituous, vinous or malt liquors are sold within said city. Liquors.

To levy and provide for the collection of all taxes authorized by law to be laid, levied or collected by said city, and to enforce the collection of the same.

To impose, collect and appropriate, to the exclusive use of said city, all fines, penalties and forfeitures for the breach of the ordinances and regulations of said city. Fines.

To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act: Laws.  
*Provided*, they are not incompatible with the Constitution of this State or of the United States.

To appoint and provide for the pay and prescribe the duties of all such other officers, agents and employees of said city as may be said Board of Aldermen be deemed necessary. Officers.

To prescribe and regulate the charges for the carriage of persons, baggage and freight by omnibus, street car, wagons, drays or other vehicles in said city, and to issue licenses and to prescribe regulations for omnibuses, hacks, drays and other vehicles used therein for the transportation, for hire, of persons or things. Fares.

To authorize and require, from time to time, as the same may be necessary, the revisal and compilation of the ordinances of said city, and their publication together with the character thereof in book form, said book to bear some appropriate title designated City Code.



by the Board of Aldermen, and when adopted by said board as containing the laws and ordinances of said city, shall be receivable in all courts as *prima facie* evidence thereof.

Audit accounts.

To audit all bills and accounts against said city, and to appropriate money for their payment; and no money belonging to said city shall be paid out by any officer thereof except upon appropriation thereof duly and lawfully made by said Board of Aldermen.

To elect physicians.

SEC. 31. The Board of Aldermen of the city of Asheville at their first regular meeting in June, nineteen hundred and one, shall elect two regular practicing physicians for the term of four years, and at their first meeting in June, nineteen hundred and three, shall elect two regular practicing physicians for the term of four years; and two regular practicing physicians shall be elected by said Board of Aldermen biennially thereafter for the term of four years, which said four physicians, when so elected, together with the Mayor and chairman of the Finance Committee of said city, and the city engineer, shall be and constitute the Board of Health of the city of Asheville: *Provided*, that the Board of Aldermen of said city shall have power to fill any vacancy that may occur in said Board of Health by death, removal, resignation or otherwise: *And provided further*, that the members of the Board of Health of the city of Asheville, as now constituted, whose terms have not expired, shall hold their respective offices until their said respective terms shall regularly expire.

Board of Health.  
Proviso.

Duties of Board  
of Health.

SEC. 32. That the said Board of Health shall have general charge and supervision of the public health of said city, and of all matters of sanitation affecting the health of said city, including the healthfulness of the water supply, milk and other dairy products, 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, for whatever purpose the same may be used; 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 effect of location, employments, vocations and conditions upon public health; shall enforce the making of accurate reports and the keeping of full and complete records of all infectious and contagious diseases, whether epidemic or of other character, and of births and deaths, and permits of burial; shall make inspection of the sanitary condition of all public buildings of the said

Powers.

Epidemics.



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 in every three months, and oftener if it shall be deemed necessary. Said reports shall be accompanied with such suggestions and recommendations to the proper authorities as may seem advisable. Said Board of Health and the Board of Aldermen of said city shall together constitute a joint board, to be called "The Joint Health Board," which said joint board shall meet at least once every three months, at times to be fixed by the Mayor, and at other times upon a call of the Mayor, or of a majority of the members of said joint board, and at every such meeting each individual member of said joint board shall have one vote upon all questions that may come before it, and upon the adoption by said joint board of any rules or regulations, said rules and regulations shall thereupon be and become ordinances of the city of Asheville. Said joint board shall have authority, and power is hereby expressly given it, to prescribe and adopt rules and regulations governing and controlling the production and marketing of milk and other dairy products sold within said city, and rules and regulations for the visitation, examination, inspection and condemnation of all premises, stables, cows, milk and other dairy products, utensils and other property and things used in connection with the production and marketing of milk and other dairy products sold within said city, and to prescribe and fix fines and penalties for the violation of any of said rules and regulations, and to license the sale of milk and other dairy products within said city; and to levy and collect special taxes of reasonable amount upon all persons or corporations offering milk and other dairy products for sale in said city, for the purpose of defraying the expense of the examinations and inspections, herein authorized, and any person or corporation failing or refusing to comply with any of the rules or regulations herein authorized shall thereby forfeit the right to sell milk and other dairy products within said city, at the discretion of said joint board, and shall not have the right to claim the return of any license or special tax theretofore paid, nor any part thereof. Said joint board may appoint an expert inspector, who shall have authority, and power is hereby expressly given him, to visit and enter the stables and premises of any person or corporation selling milk or other dairy products in said city, whenever ordered so to do by the

Proviso.

Joint Board of Health.

Meetings.

Powers.

Condemnation.

Milk and other products.

Inspections.

Expert inspectors.

Salary.	Board of Health of said city, and to freely and unmolestedly make the inspections and examinations required in the rules and regulations herein authorized. The salary of said inspector shall be fixed and paid by said Joint Health Board. Said joint board shall have authority, and power is hereby expressly given it, to prescribe and adopt rules and regulations governing and controlling the inspection, examination and condemnation of any vegetables, meats or other articles of food offered for sale in said city, and any slaughter houses or slaughter pens where any meat is prepared for sale in said city and prescribe and fix fines and penalties for the violation of the rules and regulations herein authorized. Said joint board shall have authority, and power is hereby expressly given it, to prescribe and adopt rules and regulations for the disinfection of rooms and houses within said city which, in the opinion of the Board of Health of said city, should be disinfected in order that the health of said city may be thereby better preserved and protected, and to prescribe and fix fines and penalties for the violation of said rules and regulations; and the sanitary inspector of said city shall have the authority, and power is hereby expressly given him, to enter any house, public or private, and to freely and unmolestedly disinfect the same, or any part thereof, when ordered so to do by the Board of Health of said city. Said joint board shall have authority, and power is hereby expressly given it, to prescribe and adopt rules and regulations governing and controlling the plumbing, ventilation and drainage of all buildings within said city, public and private, and the connection of sewers with outside sewers, and to prescribe and fix fines and penalties for the violation of said rules and regulations; there shall be appointed by said joint board an expert sanitary inspector, who shall examine all plumbing and connections, and see that the law governing the same shall be fully complied with; and any person refusing to comply with such law after five days' notice so to do, shall, upon conviction, be fined five dollars for each day he so refuses to comply, each day to constitute a separate offence; and said Board of Health may cause anything to be done which the owner of said premises has so failed to do, and the expenses thereof shall constitute a lien on said premises from the time of performing such work, paramount to all other liens except taxes and assessments, and to be collected in the same manner as the liens for constructing sidewalks in said city. Said expert inspector, when so ordered by the Board of Health, shall have authority, 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
Regulations.	
Slaughter houses.	
Disinfected premises.	
Penalties.	
Plumbing and ventilation.	
Fines and penalties.	
Notice.	
Liens.	
Right to condemn.	

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. 33. That all employees and officers connected with the sanitary department of the city shall be elected by said Joint Health Board; the number of employees and officers, the salary of each, and all matters pertaining to said sanitary department, and necessary for its successful operation, shall be determined and controlled by the said joint board: *Provided*, that the annual expenditure of said joint board for all purposes shall not exceed the total amount annually apportioned by the Board of Aldermen to the sanitary department of said city, and the receipts of said joint board from all other sources.

Sanitary department.

Proviso.

SEC. 34. That the Board of Health of said city 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.

Garbage.

SEC. 35. That the sanitary inspector, and such assistants as shall be provided and elected by the said Joint Health Board, hereinbefore provided for, 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 the said sanitary department of said city. They shall wear such badges, indicative of their authority, as may be prescribed by said Joint Health Board. Such inspectors and assistants shall hold their offices for such term or terms as may be prescribed by said joint board, not to exceed two years from the date of their election, subject, however, to the removal at any time by said joint board.

Sanitary Inspector, how elected.

Duties of.

SEC. 36. Said Board of Health shall have authority, and power is hereby expressly given it, to declare sanitary nuisances, and to require and compel the abatement and prevention of any and all sanitary nuisances in the city of Asheville, so far as in its judgment may be necessary for the convenience and preservation of the public health, and shall specify a reasonable time within which its orders in reference thereto shall be complied with; and in the event that the owner, agent or occupant of the premises on or in connection with which any nuisances shall be committed, or is 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

Powers.

Nuisances.

Misdemeanor.

Penalty.	each offence, upon conviction, shall be fined not more than fifty dollars, 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 charged upon such premises and constitute a lien thereon paramount to all liens, except those for taxes and 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 sidewalks*in said city.
How enforced.	
Water supply.	SEC. 37. That said Board of Health shall have general oversight and care of all sources of water supply to the said city, and to the individual citizens thereof, whether by public or private pipes, wells or springs; and shall from time to time, as it may
Examinations of.	deem necessary and expedient, cause examinations of said water to be made for the purpose of ascertaining whether the same is 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
Condemnation of.	expressly given it, to condemn, and, as far as may be practicable, destroy all such sources of water supply to the citizens of said city as it may deem necessary for the protection of the health of said city, or the individual citizens thereof; and any person or persons using any water from any source condemned by the said
Penalty.	Board of Health, shall, on conviction, be fined five dollars for each and every offence.
Clerk of Board of Aldermen ex officio Clerk of Board of Health	SEC. 38. That the said Board of Health shall from time to time recommend to the Board of Aldermen of said city the passage of such ordinances as may be necessary for the proper enforcement of the provisions of this act. The clerk of the Board of Aldermen shall be <i>ex officio</i> 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.
City clerk.	SEC. 39. That the Board of Aldermen at its first meeting in June in every year shall appoint a City Clerk, and a sufficient number of subordinate policemen, who may be classified or given rank by said board as the interests of the public service may require, all of which officers shall hold their offices respectively
Tenure.	for the term of two years from and after appointment, and until their successors respectively shall be appointed and qualified, subject, however, to be removed at any time for incompetency, misbehavior, neglect of duty, or other good cause, by said Board of Aldermen, which alone shall be the judge of such incompetency, misbehavior, neglect of duty, or other causes of removal, and which shall have power to appoint others in their
Removal.	

stead to fill out their said terms, respectively, upon such removal. The Tax Collector of said city may be one of said policemen. Before entering upon the duties of their offices, respectively, every of said officers together with the Water Superintendent, the Tax Collector, Treasurer and Chief of Police of said city shall be sworn by the Mayor of said city, or other persons authorized to administer oaths, to the faithful discharge of their respective duties, and shall execute a bond to said city of Asheville, in such sum as shall be prescribed by said Board of Aldermen, with good and sufficient surety or sureties approved by said Board of Aldermen, for the faithful discharge of their said duties respectively; and such bond shall be duly probated in the manner by law allowed, and recorded in the office of the clerk of the Board of Aldermen in a book prepared and kept by such clerk for that purpose. The originals of such bonds shall be deposited in the archives of said city as soon as they have been so registered, and a copy from said registry of any such bond, duly certified by said clerk of the Board of Aldermen under his hand and seal of said city, shall at all times be received as evidence in any court in an action for the enforcement of the penalty thereof, or in any other action, or for any other purpose whatsoever. Said Board of Aldermen shall also, at said first meeting in June, in every year, appoint an attorney of good standing in said city as counsel to the Board of Aldermen and to represent said city in all litigation, to be known as corporation counsel, and all such other officers for said city as to said Board of Aldermen may seem meet; and such corporation counsel and other officers shall hold their respective offices for such times, not to exceed two years from and after their appointment, and shall receive such compensation, respectively, as shall be prescribed by said Board of Aldermen, subject, however, to be removed for good causes as above stated, at any time by said Board of Aldermen, and said Board of Aldermen may, from time to time, increase or decrease the number of such policemen and other officers, and appoint other persons to fill any vacancies in said offices which, in the opinion of said Board of Aldermen, should be filled; and such appointees to hold their offices upon the same terms, and subject to the same powers of said Board of Aldermen as the persons in whose stead they were so appointed held their offices respectively. The duties of such policemen or other officers shall be from time to time prescribed and designated by said Board of Aldermen. And every officer of said city, whether elected by the people or appointed by the Board of Aldermen thereof, shall be liable to removal or suspension from office by said Board of Aldermen for misconduct or misbehavior in office or for persistent neglect of duty.

Oath of office.

Bond.

Bonds deposited.

City counsel

Other officers

Tenure.

Removal.

Vacancies.

Duties.

Clerk to attend  
board of alder-  
men.

Records to be  
kept.

Compensation.

Treasurer.

Duties of.

Custody of the  
money.

Accounts to be  
kept.

Vice-mayor.

Duties of.

SEC. 40. It shall be the duty of the City Clerk to attend the meetings of the Board of Aldermen, both regular and special, to keep regular and fair minutes of all proceedings of said Board of Aldermen; to preserve, in an office to be designated by said Board of Aldermen, and where the public may, at all reasonable hours, inspect the same, all records, books, papers and other articles committed to his care by said Board of Aldermen during his continuance in office, and subject to the control of said Board of Aldermen, and deliver the same to his successor, and regularly to perform all such other duties as may be, by said Board of Aldermen, from time to time prescribed, and he shall receive such compensation as such Board of Aldermen shall prescribe.

SEC. 41. It shall be the duty of the Treasurer of said city to receive and safely keep all moneys which shall be paid into his hands as such Treasurer for the use of said city, to disburse the funds of said city according to such orders as shall be drawn on him by proper authority, to demand of all persons such moneys or securities as they or any of them may have in their hands belonging to said city, which ought to be paid or delivered into the treasury thereof, and to perform all such other duties as may, from time to time, be required of him by law or by said Board of Aldermen. He shall keep, in a book provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and of all securities and other property entrusted to him for safe keeping or otherwise, and, at the expiration of his term of office, or the earlier termination thereof, shall deliver to his successor all such moneys, securities and other property belonging to said city then in his hands. He shall receive such compensation as said Board of Aldermen shall from time to time prescribe. All orders or warrants drawn on him shall be signed by the Mayor of said city, and shall state the purpose for which the money therein called for is applied, and the Treasurer shall in his account specify such purposes. He shall also state in his accounts the sources, respectively, from which all moneys received by him are derived, and shall, when required to do so, submit to the Mayor or Board of Aldermen his vouchers for any and all disbursements made by him, and his said accounts in full.

SEC. 42. Said Board of Aldermen shall, at their first meeting, in June, nineteen hundred and one, and every two years thereafter at said first meeting in June, appoint one of their own number to be Vice-Mayor of said city, and in case of any vacancy in that office, shall fill the same with some member of their own body. It shall be the duty of such Vice-Mayor, at all times within his term of office, when the Mayor of said city shall, for any reason, be unable to discharge his duties as such Mayor, to act as

Mayor and perform all the duties pertaining to such office during the time when the Mayor is so unable to discharge the same. And for that purpose such Vice-Mayor shall, during such times, have and exercise all the powers and rights which pertain to said Mayor as well in holding the Police Justice Court and presiding at meetings of the said Board of Aldermen, as in all other respects. Such Vice-Mayor shall hold his office for the term of two years from and after his appointment, or until the next annual election of Vice-Mayor, as hereinbefore provided, and until his successor shall be duly appointed and qualify, and he shall receive for his services as such Vice-Mayor no other or further compensation than his salary as Alderman.

SEC. 43. The salary of each Alderman of said city shall be two hundred dollars a year, to be paid when and as said Board of Aldermen from time to time shall direct. Salary of aldermen.

SEC. 44. It shall be the duty of all policemen of said city to see that the laws, ordinances, regulations and orders of said city and the Board of Aldermen thereof are enforced, and to report all breaches thereof to the Mayor and Police Justice of said city; and to preserve the peace and order of said city by suppressing disturbances and apprehending offenders, for which purpose they shall have all the powers and authorities vested in Sheriffs or County Constables, and to execute all process and precepts and notices of every character lawfully directed to them by the Police Justice or Mayor of said city, or the Board of Aldermen thereof, or others, and in the execution thereof they shall have the same powers anywhere in the county of Buncombe as the Sheriff or Constables thereof have or shall have. Such policemen shall have the same power to apprehend, in the limits of said city, or of the county of Buncombe, all offenders against State laws, as the Sheriff or Constable of said county have, and to carry such offenders before the Police Justice of said city, and they shall be in this respect bound by the same rules as the Constables of said county. It shall also be the duty of said policemen to perform such other acts and exercise such other functions as shall be from time to time directed or required of them by said Board of Aldermen. The salary of such policemen shall be that from time to time fixed or prescribed by said Board of Aldermen, and they shall receive no other or further compensation. Duties of policemen.  
To execute process.  
Powers of.  
Other duties.  
Salary.

SEC. 45. The duties of the Tax Collector of said city shall be those hereinafter provided, and such as shall from time to time be prescribed by law and by said Board of Aldermen, and he shall receive, as compensation for his services in collecting taxes, and performing such other duties as may be lawfully required of him, Tax Collector.  
Compensation.



Assistent Collector.	the sum of fifteen hundred dollars per annum, payable in monthly instalments; and he may appoint an assistant Tax Collector, removable at his pleasure, who shall receive a salary of six hundred dollars per annum, payable in monthly instalments. And said Board of Aldermen may allow said Tax Collector to employ such other assistants as the interests of the public service may, in the opinion of said board, require, and prescribe the
Salary.	salaries to be paid such assistants. And said Tax Collector shall in all respects be responsible to said city of Asheville for the faithful performance of their duties by his assistants.
Unlawful for officers to discount claims.	SEC. 46. It shall be unlawful for any officer or officers, appointee or appointees, employee or employees of said city to speculate in or purchase at a discount any claim, paper, or evidence of indebtedness, whether allowed, or disallowed, of said city or of the county of Buncombe. The provisions of this section shall apply to any person and to every person employed in any capacity by said city, and shall hold good throughout the entire period of such employment, and for six months after the termination thereof, and any violation of this section shall cause the forfeiture of every such claim, paper and evidence of indebtedness which shall have been so speculated in or purchased at a discount, and the payment thereof by said city and by said county.
To whom applicable.	
Forfeiture of claim.	
Breach of bond.	SEC. 47. For any breach of his official bond by any officer of said city who is or may be required to give such bond, such officer shall be liable to an action on the same, in the name of said city, by said city or any person aggrieved by such breach, and each bond may without assignment be from time to time put in suit until the whole penalty thereof be recovered.
Liability.	
No officer to become a contractor for.	SEC. 48. No Mayor, Alderman or other officer, appointee or employee of said city shall become a contractor for work to be done by said city, or sub-contractor therefor, or employed or interested therein, directly or indirectly, and any person herein offending shall, by the very act, forfeit his office or employment, and shall also be guilty of a misdemeanor, and said Board of Aldermen may declare any such contract to be null and void.
Unlawful to resist any officer.	SEC. 49. It shall be unlawful for any person to resist or obstruct an officer of said city in the discharge of his duties as such by force, threats or otherwise, and any person so offending shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not exceeding thirty days.
Misdemeanor.	
Qualification to hold office.	SEC. 50. No person who is not a duly qualified elector of said city shall be eligible to hold offices therein and any duly qualified elector thereof shall be competent to be elected to and hold any office of said city.



SEC. 51. In order to raise funds for the current expenses of said city, and thereafter for the improvement of the same, and the payment of the interest on its bonded debt, and the creation of a fund to meet the principal of that debt when due, the Board of Aldermen of said city shall at their first meeting in June in every year lay and provide for the collection of the following taxes:

(1). On all real and personal property within the limits of said city, and all other subjects taxable by the General Assembly of this State, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding one dollar on every hundred dollars of such valuation as of the first day of June of every year. How funds are raised.  
Tax prescribed.

(2). On all persons residing in said city on the first day of June in every year, subject to poll tax under the laws of this State, a poll tax not exceeding three dollars each. Poll tax.

(3). On every hundred dollars of the purchase price of goods, wares and merchandise, purchased for resale or to be manufactured by any merchant, manufacturer or other person trading, manufacturing or doing business in said city for the whole or any part of the year next preceding the first day of June of each year, a tax not exceeding twenty cents. Tax on goods, wares, etc.

(4). On every omnibus carrying persons for hire, and on every street hack or carriage being on the street of said city at any place other than the passenger depot for the purpose of obtaining business, a license tax not exceeding fifteen dollars per annum; and on every wagon, express wagon, dray or other vehicle transporting persons, freight, baggage, or other articles for hire, a license tax not exceeding ten dollars per annum; and on fixing the license tax on the above enumerated vehicles, said Board of Aldermen shall discriminate between one-horse, two-horse and four-horse vehicles, and between the different kinds of vehicles as to them shall seem just; said Board of Aldermen shall, at their first meeting in June in every year, fix the amount of license tax on every kind of such vehicle; and every person intending to operate any such vehicle in this city shall, before operating the same, pay to the Tax Collector of said city the amount of the license tax so fixed on such vehicle, and obtain from said Tax Collector a license stating the kind of such vehicle and the amount of such payment; but any person may, upon payment to said Tax Collector of the amount of license tax in such case prescribed by said Board of Aldermen for such period, obtain from him such license for any part of the year not less than three months, to be therein designated. Any person who shall so operate any such vehicle without having procured the license Tax on fares.  
  
On transportation.

- A misdemeanor. therefor, as in this section mentioned, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days.
- Penalty.
- Stable license. (5). On every saddle horse kept for hire in said city, a license tax not exceeding five dollars per annum, such license to be obtained in the same manner as licenses for vehicles hereinbefore required to be licensed, and subject to the same regulations. Any person who shall keep for hire any such horse, for any time whatever, without having first paid such tax and procured such license, shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days.
- Corporation tax. (6). On every express company, telegraph company, telephone company, gas company, electric light company, power company, street railroad company and railroad company, doing business or having an office in said city, a license tax not exceeding in amount one per centum of the gross receipts by it, on its said business in said city, received during the preceding year up to and including the 31st day of May next, before the date of fixing such license tax; and the manager or agent in charge of the business of any such company in said city on the first day of June of every year, shall, on that day, or if that day be Sunday or a legal holiday, on the next day thereafter, make to the City Clerk of said city, who shall have power in such case to administer oaths, a written return under oath, signed by him, of the amount of such gross receipts. Any such manager or agent who shall fail or refuse to make such return on the day whereon the same should be made, as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days. Every such company whose manager or agent, as aforesaid, shall fail or refuse to make such return at the time hereinbefore provided therefor, or which shall fail to pay the license tax upon its said business within the time prescribed by the Board of Aldermen for such payment, shall be guilty of a misdemeanor, and upon conviction shall be fined one thousand dollars. The amount of such license tax, upon the failure of such manager or agent to make such returns as is hereinbefore provided, shall be fixed by said Board of Aldermen at its next meeting after the day on which such returns should be made, as hereinbefore provided, or at some other meeting thereafter in the same month, by determining the amount of such gross receipts as nearly as they can ascertain the same, and of such amount so determined, which for such purpose shall be taken and deemed to be the amount of such
- Return to be made.
- Misdemeanor. of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days. Every such company whose manager or agent, as aforesaid, shall fail or refuse to make such return at the time hereinbefore provided therefor, or which shall fail to pay the license tax upon its said business within the time prescribed by the Board of Aldermen for such payment, shall be guilty of a misdemeanor, and upon conviction shall be fined one thousand dollars. The amount of such license tax, upon the failure of such manager or agent to make such returns as is hereinbefore provided, shall be fixed by said Board of Aldermen at its next meeting after the day on which such returns should be made, as hereinbefore provided, or at some other meeting thereafter in the same month, by determining the amount of such gross receipts as nearly as they can ascertain the same, and of such amount so determined, which for such purpose shall be taken and deemed to be the amount of such
- Penalty.
- License tax.

gross receipts, taking one per centum thereof as such license tax.

(7). Said Board of Aldermen shall have power to appoint in said city one or more auctioneers, to prescribe their duties, and fix their compensation or rate of charges. Every such auctioneer, before acting as such, shall pay to the Tax Collector of said city a license tax to be prescribed by said Board of Aldermen, not exceeding fifty dollars, and obtain from him the certificate of such appointment, and the payment of such tax; and any person who shall act as auctioneer in said city without having been appointed as such by said Board of Aldermen, or without having paid the tax as aforesaid, or without having obtained such certificate, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 52. The City Clerk of said city shall procure from the proper officer or officers, or other person or persons to whom the Tax-Lists of said county shall be required by law to return the lists taken by them, and as soon as such lists shall have been so returned in each year, all said lists which relate to property and polls within said city, and such other papers, records and documents pertaining to matters taxable by said city, as may be or should be in his office or possession, or their offices or possession, from such lists, papers, records and documents so procured or required to be procured, said City Clerk shall immediately make a full and complete list showing the name of every taxpayer in every ward of said city, and the items of property, personal and real, in every of such wards upon which he is required to pay taxes, and the respective values of each according to said list, and the respective names and ages and colors of the persons resident in said wards severally who are liable to pay poll tax in said city, and shall charge to every of said tax-payers his taxes upon his property in every of said wards, calculated at the rate of taxation for such property prescribed by said Board of Aldermen for that year, and shall charge all persons resident within said wards, respectively, who are liable to pay poll tax in said city, with the amount of their respective poll tax as prescribed by said Board of Aldermen for that year, and also showing the aggregate amount of property according to such valuations, and of taxes and polls in every of said wards, and the full aggregate of the same in said city. Said City Clerk shall submit such list so made by him to said Board of Aldermen at their next meeting after he shall have so completed the same, and said list, when approved by said Board of Aldermen, whether as amended by it or not, shall constitute the regular tax list of said city for that year, subject to any and all amendments, cor-

Auctioneers, how appointed.

Tax on,

Misdemeanor.

Penalty.

Duties of the clerk relative to taxation.

A full list to be made.

What list to set forth.

Clerk to submit list to aldermen.

List to be approved.

	rections, modifications, additions and subtractions which said Board of Aldermen shall from time to time make therein. It shall be the duty of said Board of Aldermen to see that all subjects of taxation within said city are duly entered from time to time upon said list at their proper places, and that the taxes which should be paid by or upon the same are duly enforced and collected, and to take all proper measures necessary for the due accomplishment of that result: <i>Provided, however,</i> said Board of Aldermen at any meeting prior to the month of August in each year, may, at their discretion, appoint a Board of Assessors or equalization for said city with power to administer oaths, consisting of not less than three nor more than five freeholders resident tax-payers of said city, whose duty it shall be during the month of August of the year in which they are appointed,
Proviso.	
List, how revised.	as above set out, to carefully review and justly revise the tax lists hereinbefore mentioned, and correct any inequalities or errors appearing therein, either by reducing or increasing the assessment for taxation of any property listed thereon, or by supplying omissions therefrom, or by amending same in any other proper and just manner; said corrected or amended lists, however, to be used as a basis only for municipal taxation, and the original or uncorrected lists to be used for taxation for county and State purposes, without change except as provided by the State Revenue Law until the next general assessment of property for taxation for the State of North Carolina. To the end that a just assessment of all property in said city for municipal taxation may be had, said Board of Assessors hereinbefore in this section provided for, may have their term of service extended as to the Board of Aldermen of said city may appear proper and necessary, and are hereby invested with full power and authority to summon and examine on oath any tax-payer in said city in regard to any property of said tax-payer which is or may be liable to municipal taxation, to subpoena and examine witnesses as may be thought proper, to send for persons and papers, and to punish by fine not exceeding fifty dollars, or imprisonment in the city prison not exceeding thirty days, any person or witness who unlawfully and contumaciously refuses to produce and exhibit before said Board of Assessors any proper document or paper, or to answer any lawful and proper question of said Board of Assessors touching the matter under consideration: <i>Provided further,</i> before the assessment of any tax-payer in said city shall be raised, notice of five days shall be given such tax-payer, who shall have an opportunity to be heard before the final decision of such matter.
List used as a basis.	
Assessments.	
Power to examine witnesses.	
Misdemeanor.	
Proviso.	

SEC. 53. Said Board of Aldermen shall preserve said list mentioned in the preceding section hereof among its records, shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of the Tax Collector in collecting the taxes of said city: said copy or said copy amended, modified or changed as hereinbefore provided shall be delivered to said Tax Collector on or before the first Monday in September in each year, and he shall receipt for the same. Said City Clerk shall endorse on said copy an order to said Tax Collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

List to be preserved.

Copy made.

Taxes to be collected.

SEC. 54. The Tax Collector of said city, upon his receipt of said copy of such parts of said tax list, shall proceed immediately with the collection of the taxes in such copy mentioned, and of all such as may be from time to time added thereto by said Board of Aldermen. As herein provided, and for the purpose of this act, the tax collecting period for any one year is divided into four quarters or instalments of three months each. The first quarter or instalment shall be composed of the months of September, October and November, and shall be known and designated as the first quarter. The second quarter or instalment shall be composed of the months of December, January and February, and shall be known and designated as the second quarter. The third quarter or instalment 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 instalment shall be composed of 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 first quarter, pay to the City Tax Collector one-fourth of his or 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 December, in the second quarter, pay to the City Tax Collector one-fourth 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, in the third quarter, pay to the City Tax Collector one-half of the remaining unpaid taxes due said city, then said tax-payer shall be granted a further indulgence for the payment of

Collection of taxes.

Collecting period divided.  
First quarter.

Second quarter.

Third quarter.

Fourth quarter.

Indulgence allowed tax payers.

Second indulgence allowed tax payers.

Third indulgence.

- the remainder of his or her taxes due said city until the first day of June in the fourth quarter. And if the said tax-payer shall during the month of June, in the 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 year. If during the month of September, in the beginning of the first quarter, the said tax-payer shall pay the full amount of 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 two per centum, but if said tax-payer shall fail or neglect to pay all of said taxes due said city for the entire year, then he shall not be so entitled to any deduction; and if said tax-payer shall fail or neglect to pay the first instalment, as herein provided, or shall fail or neglect to pay any one of said instalments as the same is provided for in this act, then all of said taxes or all the remaining instalments of said taxes become instantly due and collectible as delinquent taxes due said city are collectible, and be collected under the several provisions of law now in force, or that may hereafter be provided for the collection of taxes due said city.
- Fourth indulgence.** **SEC. 55.** All taxes of said city shall be listed, levied, assessed and collected, except as in this charter otherwise provided, in the same manner and under the same rules and regulations, and subject to the same penalties as are provided by law, or shall hereafter be provided by law for the listing, levying, assessing and collecting State and county taxes in this State.
- Deduction allowed.** **SEC. 56.** Said Tax Collector or his assistant shall attend at his office in said city during business hours throughout every month in every year, for the purpose of receiving taxes.
- Delinquent tax payers.** **SEC. 57.** The lien of city taxes levied for all purposes in each year shall attach to all real property subject to such taxes on the first day of June annually and shall be paramount to all other liens, and continue until such taxes with any penalty which shall accrue thereon, shall be fully paid. All personal property in said city subject to taxation shall be liable to be seized and sold for taxes by said Tax Collector, and the personal property of any deceased person therein shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate; and any property, whether real or personal, in said city, conveyed or assigned after the first day of June in any year to any trustee or trustees, assignee or assignees, for the benefit of creditors, shall be liable in the hands of such trustee or trustees, assignee or assignees, for all taxes levied,
- Taxes to be listed, levied and assessed.**
- Business hours for tax collectors.**
- Tax lien.**
- Personal property liable.**

laid or assessed upon the same in that year, and may be sold for the payment of such taxes, in the same manuer as if such conveyance or assignment had not been made.

Property still liable.

SEC. 58. The fiscal year of said city shall begin with the first day of June in every year.

Fiscal year.

SEC. 59. The poll taxes and *ad valorem* taxes of said city shall become due on the first day of September in every year, but the collection thereof shall be continued or postponed, as hereinbefore provided, whenever the tax-payer shall have complied with the provisions of the section or sections of this act allowing indulgence to tax-payers.

Poll and ad valorem tax.

SEC. 60. Whenever any taxes in said city shall be due and unpaid, the Tax Collector thereof shall proceed to collect the same as follows:

Manner in which taxes are to be collected.

(1). If the person charged have personal property anywhere in the county of Buncombe of a value as great as the tax charged against him or against his property, said Tax Collector shall seize and sell the same as the Sheriff is required to sell personal property under execution.

Personal property to be seized.

(2). If the person charged have not personal property to be found in said county of Buncombe of a value as great as the tax charged against him and his property, said Tax Collector shall levy upon the lands of the delinquent in said county of Buncombe, or any part of such lands, and after due advertisement, sell the same for the payment of said taxes. Such advertisement shall be made in some newspaper published in said county of Buncombe for at least twenty days immediately preceding such sale, and by posting a notice of such sale at the court-house door in said city at least twenty days before such sale, which shall contain at least a concise description of the real estate to be sold, the name of the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made and the day and place of such sale. Said Tax Collector may divide such real estate into as many parts as he may deem convenient, employing if necessary a surveyor for that purpose, and in such case shall sell as much thereof as shall be required to pay said taxes and all expenses attendant thereon, together with all penalties; and if such real estate shall not be so divided he shall sell the whole. 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. All such sales shall be made at the court-house door of said county of Buncombe, at public auction to the highest bidder for cash, upon any day of the month or week, except Sunday or a legal holiday; and if no person will

In cases where levy on lands is resorted to.

Advertisement.

How sale to be made.

Auction.



City to bid.

A fee simple title to the city.

Statement to be made to aldermen.

Redemption of property sold for taxes.

Tax collector to execute certificate.

Board of Aldermen to execute deed.

bid enough to pay such taxes, penalties and expenses in case such real estate is sold without such division, said Tax Collector shall bid on behalf of said city the amount of said taxes, penalties and expenses, and if no higher bid shall be made the same shall be struck off to said city; and if no person will bid an amount or amounts, in case said land is sold in parcels, sufficient in the aggregate to pay such taxes, penalties and expenses, such real estate shall be then immediately sold as a whole, and if no person will bid enough for the whole to pay said taxes, penalties and expenses, said Tax Collector shall bid for the whole on behalf of said city the amount of said taxes, penalties and expenses, and if no higher bid shall be made the same shall be struck off to said city; and in all cases where real estate shall be struck off to said city as herein provided, it shall belong to said city in fee-simple, unless redeemed in the manner prescribed by law or this charter. Said Tax Collector shall immediately thereafter return to the Board of Aldermen of said city, by filing the same with the clerk of said board, a statement of his proceedings, showing the purchaser or purchasers of such real estate, and the amounts 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, and if there shall be a surplus after paying said taxes, penalties and expenses, the same shall be paid to the Treasurer of said city, subject to the demand of the person entitled to the same.

SEC. 61. The owner of any real estate or interest therein sold as aforesaid, his heirs, executors, administrators or assigns, may redeem the same within one year after the sale, upon the same terms and conditions and subject to the same provisions and in the same manner as are prescribed by law for the redemption of real estate sold for State and county taxes, except that all the duties, functions and powers provided in such law, to be discharged and exercised by the Sheriff or Tax Collector shall be discharged and exercised by the Tax Collector of said city.

SEC. 62. On any such sale of real estate said Tax Collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual or said city, as such last-mentioned certificates are allowed by law to be assigned or transferred, and if the real estate sold as aforesaid shall not be redeemed as hereinbefore provided, said Tax Collector or his successor in office, under the direction of said Board of Aldermen, at any time within one year after the expiration of one year from



the date of sale on request of the nolder of such certificate and production of the same, shall execute to the purchaser, his heirs or assigns, a deed in fee-simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost said Board of Aldermen, on being fully satisfied thereof by due proof, shall direct said Tax Collector to execute such conveyance, and said Tax Collector shall so execute the same. Any such deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and county taxes who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions and conclusions as such last-mentioned deed, and effective to the same extent as such last-mentioned deed. Effect of deed.

SEC. 63. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of a rightful owner if said real estate be in other respects sufficiently described to insure identification. Sale not invalid.

SEC. 64. In addition to the other subjects listed for taxation in said city, the Board of Aldermen thereof may lay and cause to be levied taxes on the following subjects, respectively, the amount of which, when laid, shall be collected by the Tax Collector of said city immediately, and if the same be not paid on demand they may be recovered by suit, or by seizure and sale of the articles on which they were severally imposed, or of any other property of the owner in said county of Buncombe, in the same manner as personal property is sold for taxes, as hereinbefore provided: Additional subjects of taxation.

(1). On all itinerant merchants or peddlers offering to vend in said city, a privilege tax not exceeding one hundred dollars per year, in addition to a tax not exceeding one per centum on the amount of their purchases, respectively, and among such itinerant merchants or peddlers shall be included also all itinerant venders of medicines or other articles. Peddlers, etc.

(2). On every shooting gallery, billiard table, bowling alley, or alley of like kind, bowling saloon, bagatelle table, pool table or place of any other game or play, with or without a name, kept for profit, or kept in a house where spirituous, vinous or malt liquor is sold, or in a house used or connected with such a house, or used or connected with a hotel or restaurant, a privilege tax not exceeding fifty dollars. Shooting-galleries, etc.

(3). On every hotel, sanitarium, sanatorium, restaurant, or eating-house, a privilege tax not exceeding fifty dollars. Said Board of Aldermen shall have the power to classify into as many classes as to them shall from time to time seem best, such hotels, sanitariums, sanatoriums, restaurants and eating-houses, accord- Hotels, etc.

ing to the character of business done by them, and to determine according to the character of such business to which class any one of them properly belongs, and prescribe a different privilege tax for every class, in no case exceeding said sum of fifty dollars a year.

Circus riders, etc. (4). On every company of circus riders, performers, or exhibitors or showmen, by whatsoever name called, who shall exhibit within said city or within one mile of the corporate limits thereof, a license tax not exceeding one hundred dollars for every performance or separate exhibition, and on every side-show connected therewith, a license tax not exceeding twenty dollars for every performance or separate exhibition. The tax herein specified shall be paid before performance or exhibition; otherwise it shall be doubled.

Theatres, etc. (5). On every person or company exhibiting within said city, or within one mile of the corporate limits thereof, any stage or theatrical plays, sleight-of-hand performance, rope-walking, wire-walking, menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibition, said tax to be paid before exhibiting, otherwise to be doubled.

Models, etc. (6). On every exhibition, for reward, of artificial curiosities, except models of useful inventions, within said city, or within one mile of the corporate limits thereof, a license tax not exceeding twenty-five dollars, said tax to be paid before exhibition, otherwise to be doubled.

Shows, etc. (7). On every show, performance or exhibition of any kind, and on every concert for reward, and every strolling musician within said city, or within one mile of the corporate limits thereof, a license tax not exceeding ten dollars, said tax to be paid before exhibition, or to be doubled.

Occupations. (8). On each and every of the following objects and occupations said Board of Aldermen may, at its discretion, impose an annual privilege tax as follows: On itinerant jewelers or silversmiths, not exceeding fifty dollars; on physicians and dentists, local or itinerant, not exceeding ten dollars; on photographers, not exceeding twenty-five dollars; on dealers in leaf tobacco, not exceeding ten dollars; on huckster stands, not exceeding twenty dollars; on itinerant dealers in lightning rods, not exceeding twenty-five dollars; on vender or agents for sale of any patented article, not exceeding twenty dollars; on banks, banking business or bank agents, not exceeding one hundred dollars; on note-shavers, brokers, money-lenders and real estate agents, not exceeding one hundred and fifty dollars; on every tobacco manufacturer of any kind, and every cigar and cigarette manufacturer, not exceeding one hundred dollars; on every tobacco warehouse,

not exceeding fifty dollars; on retail dealers in fresh meats, not exceeding thirty dollars; on boarding-houses, not exceeding ten dollars; on ice cream saloons, not exceeding ten dollars; on dealers in fertilizers and agents for the sale thereof, not exceeding one hundred dollars; on every lumber dealer or dealer in bricks or other building materials, or manufacturers thereof, or agents thereof, not exceeding thirty dollars for every yard, warehouse, office or place of business; on soda fountains, not exceeding ten dollars; on lawyers, not exceeding five dollars; on brewers, manufacturing and selling their own products by wholesale, not exceeding fifty dollars; on manufacturers of patent medicine, or medicines of any kind, usually called proprietary, not exceeding one hundred dollars; on skating rinks, not exceeding twenty dollars; on dogs, not exceeding two dollars; on dealers in or agents for carriages, buggies, wagons, sewing machines, tobacco, cigars, cigarettes, bicycles, tinware, stoves, ranges, heaters, or cotton yarn, not manufactured, in said county of Buncombe, not exceeding one hundred dollars; on every person, firm or company selling pistols, bowie knives, dirks, slung-shots, brass or metallic knuckles or other deadly weapons of like character, in addition to all other taxes, a license tax not exceeding five hundred dollars. Said Board of Aldermen may, at its discretion, impose said annual privilege taxes upon said objects and occupations, respectively, or upon any of them, and may, at its discretion, in so doing, impose different taxes upon different objects or occupations as to which the limit hereinbefore prescribed is the same.

(9). On every person, company or firm selling spirituous, vinous or malt liquors, a license tax for every place in which such business is, or is to be, conducted, whether by wholesale or retail, not exceeding one thousand dollars, to be paid semi-annually, in advance, on the first days of July and January in every year, one-half of such tax at each payment. Every person desirous of engaging in such business in said city shall apply to said Board of Aldermen at its first meeting in June, or its first meeting in December, in any year, for license to do so, and said Board of Aldermen may, for good cause connected with the character of said applicant, direct or decline to direct the Tax Collector of said city to issue such license to any such applicant, or, in its discretion, for any place in said city where such business is desired to be conducted. Upon any direction of said Board of Aldermen so to do, and the payment in advance to him of the license tax therefore, it shall be the duty of said Tax Collector to issue to the person, company or firm named in said direction, a license to conduct at the place named in such direction, the business in

Persons engaged  
in selling intoxicating  
beverages.

such direction specified for the period of six months, to commence on the first day of July or the first day of January, as the case may be, next after such direction, by said Board of Aldermen. Any person, company or firm having obtained such license from such city, who shall, within the period therein named, at any time, fail, neglect or refuse to comply with any rule or regulation theretofore or within such period prescribed by such Board of Aldermen for the conduct, control or regulation of such business, shall forfeit thereby such license, and upon such forfeiture being declared by said Board of Aldermen, such person, firm or company shall no longer be entitled to engage in said business within said period, or under said license, and shall not be entitled to have refunded to him, them or it, any part of the license tax for such license paid. Any person who shall sell or aid in selling, or offer for sale, in said city, any spirituous, vinous or malt liquors without having license therefor, as above provided, shall be guilty of a misdemeanor for every such act, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days. And in case the funds derivable from the liquor license tax herein provided for should, for any cause, not be available in any year, the Board of Aldermen are hereby expressly authorized and empowered to levy and collect, in addition to the taxes now levied and collected in said city, in order to supply the deficiency in revenues thus created, a property tax at a rate not exceeding twenty cents on the hundred dollars worth of property, according to its assessed value for taxation, and a poll tax on every person within said city who may be liable to such tax not exceeding sixty cents; but in levying and collecting such taxes the constitutional equation between poll and property taxes shall be strictly adhered to by said Board of Aldermen, and the taxes herein provided for shall not be used otherwise than for the necessary purposes of said city government.

Residue tax  
clause.

(10). On any other business, trade, occupation, calling or profession, engaged in, carried on in whole or in part, in or having an office or place of business in the corporate limits of said city, not otherwise herein taxed, or authorized to be taxed, a privilege tax to be fixed by said Board of Aldermen, not exceeding ten dollars.

License or privilege tax to be paid  
in advance.

(11). Said Board of Aldermen may require and provide for the payment, in advance, of any license tax or privilege tax in this act authorized, and any person who, in such case, shall engage in any business, trade, occupation, calling or profession, upon or for which in any manner any such tax is allowed to be imposed, without having paid such tax, shall be guilty of a misdemeanor,

Misdemeanor.

and upon conviction shall be fined not more than fifty dollars, or Penalty, imprisoned not more than thirty days.

Sec. 65. Whenever, in the opinion of the Board of Aldermen of Eminent domain, said city, it is advisable to obtain land or right of way therein for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or waterways for carrying water out of any street therein and said Board of Aldermen and the owner or owners of such land or right of way can not agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owner or owners thereof, by reason of such opening, widening or straightening of the street, or making of such culvert or waterway, said Board of Aldermen may direct the Mayor of said city to issue, and he shall thereupon issue his writ, under the seal of said city, commanding a Policeman thereof to summon a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said proposed improvement, in which writ the proposed improvement shall be fully described, and the persons who are supposed to be affected thereby shall be named. Such Policeman shall, in obedience to said writ, summon a jury of six freeholders, as aforesaid, and direct them to assemble at the Mayor's office in said city at a time by such Policeman appointed, not less than twenty nor more than thirty days after the date of such writ. Such Policeman shall also serve notice of the time of meeting of the jury upon all the persons who are named in such writ as supposed to be affected by such proposed improvement, at least fifteen days before the date appointed for the meeting of the jury. Such notice shall be in writing, and signed by said Policeman, and addressed to the person or persons upon whom service thereof is made, and shall state the time appointed for such meeting of the jury, and designate briefly the proposed improvement, and may be issued as a single notice to all persons named in said writ, or as a separate notice to every one of them, or to any two or more of them. Such notice shall be served upon the person or persons therein named, or his, her or their agent, by reading the same to him, her or them, and if any such person or his, her or their agent can not be found in said city, the Mayor of said city shall, upon affidavit thereof, made and filed before him by such Policeman, direct such notice to be served by posting a copy of the same at the court-house door in said county of Buncombe, for at least fifteen days immediately preceding the time appointed for the meeting of such jury, and upon such direction of the Mayor, it shall be the duty of such Policeman to so post the same, and such posting shall, upon the expiration of the time in such order

designated, be a sufficient service of such notice, and the party shall then be duly notified of such proceeding. Such Policeman shall duly return such writ and all such notices with his return thereon in writing endorsed, together with any such order of the Mayor to said Board of Aldermen, at its next meeting after the time appointed for the meeting of the jury aforesaid. At the time appointed for the meeting of the jury such Policeman, or in case of his inability to do so, another Policeman of said city shall fill any vacancy which has occurred from any cause in the number of persons theretofore summoned as such jury with other competent jurors, and shall cause the jury as then constituted to assemble at the office of the Mayor of said city, where every one of them shall be sworn by such Mayor or other competent person to faithfully, truly and impartially assess the damages, if any, which, in his judgment, will be done to the property of every person named in the writ, and will also assess any special benefit, advantage or enhanced value which will be caused to the property of any person named in the writ. Immediately after the jury shall have been so sworn they shall proceed, accompanied by such Policeman, to view the land of every person named in the writ, and shall assess the damages, if any, to every one of the premises which they have viewed, and the special benefit, advantage or enhanced value, if any, which will accrue by reason of said proposed improvement to every one of the premises which they have viewed. Said jury shall forthwith return to said Board of Aldermen, by filing it with the the clerk thereof, a statement in writing, signed by every of them, or a majority of them, in case they can not agree, setting forth distinctly a full itemized report of their proceedings, and stating separately the amounts of damages or special benefits, or both, as the case may be, which they have assessed to every one of the premises so viewed by them. The Policeman in charge of said jury shall keep them together until they shall have agreed on all matters submitted to them, as aforesaid, and have made and signed their report as aforesaid, or in case of their inability to so agree, or twenty-four hours from the time of their return from viewing said premises, to said office of the Mayor, to which they shall so return, in every case immediately for deliberation, and until they have signed a report, as hereafter specified, upon any disagreement. If such jury shall be evenly divided, so that they are unable to agree on their report, or any part thereof, they shall make and sign a report stating that fact, and setting forth such items as a majority of them have agreed upon, if any such there be, and the names of the persons as owners, and the particular

premises in regard to the damage, special benefit or enhanced value of which they are evenly divided, or in regard to which a majority of them can not agree, which report shall be filed in the same manner as the report hereinbefore provided for. On receipt of any such report showing any disagreement of the jury, said Board of Aldermen shall, at its next meeting after the filing of such report, direct the Mayor of said city to issue, and he shall thereupon issue, under the seal of said city, his order to a Policeman of said city, to at once summon a new jury, qualified for such duty, as hereinbefore specified, and of the same number as hereinbefore directed, to be composed of different persons from those who constituted the jury so disagreeing, and such new jury shall proceed immediately after being duly sworn, as aforesaid, to take into consideration all parts of the report of the former jury on which that jury was not able to agree, and to view the premises in regard to which such disagreements were had in the manner hereinbefore directed, and shall make their report in the same manner as hereinbefore provided. Such course shall be continued from time to time until all the matters in such original writ directed to be decided shall have been determined. At the first meeting of said Board of Aldermen after a complete report or reports upon the matter in said writ ordered to be decided shall have been filed as aforesaid, said Board of Aldermen shall consider and pass upon such report or reports. If said Board of Aldermen shall determine that any item of damages so assessed is excessive, it may reject such report or reports, and discontinue the proposed improvement, and in case of such discontinuance no other proceeding shall within three months thereafter be commenced for a similar purpose in relation to any of the premises affected thereby, or any part of the same, without the written consent of the owner thereof. It shall be competent for said Board of Aldermen, in passing upon any such report or reports to decrease or remit any item or items of special benefit, advantage or enhanced value therein contained, if it think proper to do so. If said Board of Aldermen shall think proper, it shall order such report or reports or such report or reports so modified by it, as to special benefits or advantages or enhanced value, approved, and the lands condemned in said proceedings shall vest in said city so long as they may be used respectively for the purpose of said improvement, so soon as the amount of damages assessed to them respectively, decreased by the amount of special benefit, advantage and enhanced value, so assessed against them respectively, shall have been paid or tendered to the owner or owners

of such premises respectively, or deposited as hereinafter provided. In case of an appeal on any item as hereinafter provided, such damages on the premises as to which such appeal is taken decreased by the amount of special benefits, advantage and enhanced value assessed against the same, shall be deposited with the Clerk of the Superior Court of said county of Buncombe, to be disposed of as so assessed, or as upon such appeal adjudged subject to be reduced by any special benefits, advantage and enhanced value against such premises, assessed as aforesaid, or on such appeal adjudged. Any special benefit, advantage or enhanced value so assessed against any premises, or, on appeal, adjudged against the same, unless paid or set off by damages assessed thereon, or on appeal adjudged on the same, shall, upon such approval of the Board of Aldermen, in case no appeal is taken, upon such assessment of special benefits, advantage or enhanced value or damages, or upon final judgment in case of any such appeal, become and be a lien in favor of said city on said premises on which it has been so assessed, or adjudged, as of the time when the Board of Aldermen passed upon the report regarding the same when said approval was had or appeal taken, and shall be paid to said city in equal instalments, one, two and three years respectively, after the completion of such improvement, or in case of appeal and completion of such improvement before final judgment thereon after such final judgment; and if any one of such instalments shall remain unpaid for thirty days after its maturity, all such instalments then unpaid shall become due, and the premises so assessed or charged shall be sold for the payment of the same, and the expenses of such sale and costs by the Tax Collector of said city, under the same rules, regulations, restrictions, rights of redemption, provision and effects as are prescribed in this charter for the sale of real estate for unpaid taxes. Any owner of premises mentioned in any such report who is dissatisfied with the amount of damages assessed therein as done to said premises, or with any amount of special benefits, advantage or enhanced value therein assessed against the same, or said Board of Aldermen, if dissatisfied with any item in said report, may appeal, on any item with which he, she or they are so dissatisfied from such report thereon, or the action of the Board of Aldermen on such report, to the next term of the Superior Court of said county of Buncombe, by serving upon the adverse party a written notice of such appeal within ten days after said Board of Aldermen shall have so passed upon said report, but not afterwards. On any such appeal the appellate court shall have power to increase, affirm or diminish the amount of the item ap-



pealed on, but not to adjudicate the necessity of the improvement, and such appeal shall in nowise hinder or delay the Board of Aldermen in making or carrying out the proposed improvement, but it shall be lawful for it to enter upon and use the property so condemned as and for such purpose at any time after the expiration of two days from the date when the amount of damages assessed by the jury decreased by special benefit, advantage and enhanced value, as aforesaid, shall have been paid or tendered, or, in case of appeal, deposited as aforesaid.

SEC. 66. Whenever any land, real estate, water, watercourse or right of way, whether or not within the limits of said city, shall, in the opinion of said Board of Aldermen, be required for the purpose of erecting, making or establishing reservoirs, dams or ponds, tanks or other receptacles of water, or for laying conduit, main or supply pipes, or for obtaining a supply of water or the erection or construction of houses, stations or machinery to be used in so doing, for the use of said city or its inhabitants, or for any other purpose connected with the successful operation of water-works in and for said city, and the owner or owners of such property and the said Board of Aldermen can not agree as to the price to be paid therefor, the same may be condemned in the manner prescribed in this charter for the condemnation of land for streets, except only that when the property so condemned lies without the limits of said city the jury shall be composed one-half of competent jurors from within said city, and the other half of competent jurors of said county of Buncombe, from without said city. For the purpose of successfully establishing, constructing and operating the water-works hereby contemplated, said Board of Aldermen shall have full power to extend such water-works, or any branch or branches thereof beyond the limits of said city in any direction or directions which to it may seem advisable, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such water-works, and any and all branches thereof beyond the limits of said city as they now are or hereafter may be empowered to exercise within such limits. In case of the discontinuance of the use of any property actually condemned for any of the purposes in this or the preceding section allowed, and its reverting to its original owners by reason thereof, said city shall have the right to remove therefrom any property, structure, machinery or improvement by it or under its authority erected, put or placed thereon.

Waterways.

Reservoirs.

Eminent domain.

Power of aldermen to establish same.

SEC. 67. Said Board of Aldermen may establish the width and grade, and ascertain the location of the streets, alleys and sidewalks of said city already established, and may reduce the width

Control of streets.

Parks.	thereof, or discontinue any of them. It may also establish, acquire, improve and together with the Mayor control parks or other pleasure grounds for the use of said city, and may pass ordinances and regulations for the proper protection, maintenance, management and control of the same. It may also protect and control the shade trees already growing or hereafter planted on
Trees.	the streets, public squares, public grounds, public alleys and sidewalks of or within said city, and may remove any such trees from time to time, or plant others on such streets, public squares, public grounds, public alleys and sidewalks, as to it may seem meet. Said Board of Aldermen may also permit the erection of
Erection of poles, etc.	telegraph poles, telephone poles, electric light poles, street car poles, and other poles upon the street, public squares, public
Street car lines.	grounds, public alleys and sidewalks of said city, or prohibit or prevent such erection of the same, and may control and regulate all such poles as shall have been or hereafter may be so erected, and the use of the same at any and all times, and may remove or cause to be removed the same, or any of them, at any time or
Notice.	times, and in such manner and upon such notice as to it may seem proper. It shall also have power to regulate, control, license, prohibit and remove, all structures and things of whatsoever name or character, erected, constructed, put or placed on, above or under the streets, public squares, public grounds, public alleys and sidewalks of said city.
Power of board over charters.	SEC. 68. All privileges and franchises and charters, whatsoever, granted by the Board of Aldermen of said city, and all ordinances thereof, conferring any such privileges, franchises or charters, may be altered, amended, modified, repealed or revoked by said Board of Aldermen from time to time, anything in such privileges, franchises, charters or ordinances contained to the contrary notwithstanding.
Street railroads.	SEC. 69. Any street railroad which was constructed or hereafter may construct its lines of road or part thereof over any of the streets of said city, shall maintain such roads or part thereof or construct the same only upon the following conditions: It
Grade and rails to be used.	shall use only such rails and other material as the Board of Aldermen may designate; it shall properly grade, complete and pave the street, at least between its rails, in such manner as said Board of Aldermen may direct; it shall keep such street between said rails in good condition and repair, and in such condition and repair as said Board of Aldermen may, from time to time, order, so long as it shall use the same, if it shall fail to comply with any provisions of this section, or to keep any such street in condition and repair as aforesaid, said Board of Aldermen may cause anything to be done which said railroad has so failed to do, and
Construction of such roads.	

the costs thereof shall be charged against such railroad, and constitute a lien from the commencement of the work paramount to every other lien upon the charter and franchise of such railroad, and upon all the property of whatever kind of such railroad in said county of Buncombe and such property may be sold for the payment thereof in the manner herein prescribed for the sale of property for taxes, and any such failure on the part of said railroad shall operate as a forfeiture of its right to use such streets or any of them, or any part of any of them, as such Board of Aldermen may determine. Forfeiture.

SEC. 70. Whenever any street in said city shall have been graded, guttered and curbed in whole or in part, including the sidewalks, it shall be incumbent on the owner or owners of the land along said street or part thereof so improved, to pave, repave and repair, whenever in the opinion of the board it may be necessary, the sidewalk on their own side, respectively, the full width across their respective fronts, with such material and in such manner as the Board of Aldermen of said city shall direct. When such land corners on two or more streets, the owner or owners thereof shall pave, repave or repair the half of the sidewalks on such streets along his front which the Board of Aldermen may direct, at his own cost, and said city shall pave, repave or repair the other half thereof at its cost. Whenever any street shall have been graded, guttered and curbed, the Board of Aldermen of said city shall, through the City Clerk, notify the owner or owners of the land fronting or cornering thereon to at once pave, repave or repair, as may be required, the sidewalks thereof as hereinbefore provided, and should such owner or owners fail for fifteen days after such notice to comply therewith, said Board of Aldermen, unless it shall extend the time therefor, shall cause said sidewalk to be so built, repaved or repaired and charge the cost thereof against such lots respectively, and cause the same to be entered by the City Clerk or the City Comptroller as the Board may determine, in a book to be kept by him for that purpose; and the said Clerk shall place in the hands of the Tax Collector of said city, immediately, copies of such charges, and said Tax Collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be

obligation of adjacent land owners to the streets.

Notice.

Record to be kept.

Liens.

How collected.	advertised and sold by the Tax Collector of said city for the payment of the same under the same rules and regulations and rights of redemption and in the same manner as are prescribed in this act for the sale of real estate for unpaid taxes; but said Board of Aldermen may, in its discretion, divide any such charge in such manner that the same may be paid in three equal annual instalments from and after the commencement of such work, with interest thereon at six per centum per annum from the date of such commencement: <i>Provided, however,</i> the costs and charges to be assessed against property as herein mentioned, shall in no case exceed the special enhancement or increase in value of said property occasioned by reason of the improvement herein in this section provided for.
Redemption of property.	
Interest.	
Enhanced values.	
Aldermen to construct sewerage.	SEC. 71. Said Board of Aldermen shall, from time to time, lay, build and construct in said city such system or systems of water-works, water-pipes, sewerage and sewer-pipes and extension of the same as to it may seem advisable, or cause the same to be so laid, built and constructed, and shall keep the same in proper condition and repair, with proper connections, and make all necessary provisions for so doing and shall control and regulate such system and every part thereof, and may require the owner or owners of any improved lots in said city on any public street or alley where such water and sewer-pipes have been laid, or are conveniently accessible, or on any line of pipes, to connect such lot with such sewer and water-pipes in the manner and at the places designated by said Board of Aldermen, upon like notice, terms and conditions as are hereinbefore provided for paving sidewalks, and upon failure of the owner or owners to so connect the same within the time in such notice required, said Board of Aldermen may enter upon such lot and make such connections and charge the costs thereof against said lot in the same manner as hereinbefore provided in the case of sidewalks, and such costs so charged shall be collected and shall constitute a lien upon such lot in the same manner and to be enforced in the same manner and with like powers and privileges as is hereinbefore provided in regard to sidewalks. And in all cases where a sewer shall be laid by or under the authority of said Board of Aldermen in any street in said city, the costs and expense of laying and constructing same shall be assessed against the property abutting on each side of said street as well as against all property within the radius of benefit arising from such improvements, though not actually abutting thereon; the property liable to assessment hereunder and the apportionment of the costs and expense of said improvement against the same in case of disagreements between the owner or owners thereof
Notice.	
Charged with costs.	
How collected.	
Assessed against property.	

and said Board of Aldermen as to the *pro rata* part of said costs and expense which should be assessed against any piece or parcel of property benefitted as aforesaid, to be determined by a jury of seven freeholders of said city unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements, and summoned to pass upon said questions above mentioned, by any Policeman of said city upon writ to him directed by the Mayor under the seal of said city commanding that such be done, and succinctly describing the duties to be performed by such jury. Each juror shall be sworn by the Mayor or any other person competent to administer oaths in this State, to faithfully and impartially execute the duties of his office before entering upon the performance thereof. Each member of said jury summoned as aforesaid shall repair to the Mayor's office at a date and hour to be named in the Mayor's said writ, not more than five days after the date of the same, for the purpose of being sworn as hereinbefore required. Upon the assembling of said jury at the Mayor's office any person summoned as aforesaid, upon excuse offered satisfactory to said Mayor, may by him be excused from further service; and it shall be the duty of the Mayor to require any Policeman of the city to forthwith summon another person having the qualifications hereinbefore described to serve upon said jury in the place and stead of the juror so excused by the Mayor. Immediately after being sworn as aforesaid, said jury as finally constituted shall proceed without unnecessary delay to view the street and section in which said improvement has been or is proposed to be made, as hereinbefore described, and all the property deemed by them to be beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvement, together with the amount of the special benefit thereto arising from such improvement, and giving also the name or names of the supposed owner or owners thereof. In case of inability of said jury with a majority concurring, to agree upon the special benefit to any piece or parcel of land as aforesaid arising from such improvements, after being together and considering same for twenty-four hours, they may be excused from further consideration thereof by said Mayor, and shall file their report as hereinafter required concerning the pieces or parcels of land upon which they shall have been able to agree; and the Mayor may, by writ, as hereinbefore described, immediately require another jury of seven persons possessing the same

Expenses to be  
pro rata.

How adjudicated.

Where tried.

Method for proceeding in such cases.

New jury to be summoned.

qualifications as said first-mentioned jury, to be summoned and qualified as aforesaid, who shall forthwith proceed in the manner and within the time hereinbefore mentioned, to pass upon and determine the questions left undetermined by said first-mentioned jury, and to file their report in the manner and within the time herein required in cases where there is no disagreement upon the part of the jury. After making up their report as herein required, said jury shall forthwith file the same with the City Clerk of Asheville, who shall submit it to the Board of Aldermen at their next regular meeting after the day on which the same is filed as aforesaid, for their action. Said Board of Aldermen shall, at said meeting or at any regular meeting thereafter, not exceeding twenty days from the date of the submission of the same, require the City Clerk to publish a notice of not less than twenty days in some newspaper published in said city, and of general circulation therein, to the effect that said jury has made its report and *pro rated* and assessed the costs and expense of said improvement (which shall be described generally), against the property specially benefitted thereby, naming, where possible, the owners thereof, or the party in whose name said property may be listed for taxation, or in case the name of the owner can not be ascertained, and said property is not listed for taxation, then the name of the party occupying the same, if any, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the City Clerk, and they and each of them are required to be and appear at a regular meeting of said Board of Aldermen, to be specified in said notice, and to be held not less than ten days after the date of the expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said Board of Aldermen, and at such meeting said Board of Aldermen shall take up and consider the report of said jury, and hear any competent evidence from any person interested in the property affected thereby touching any matters covered by said report, and to that end said Board of Aldermen are hereby constituted a court with power to send for persons and papers, to provide for the examination of witnesses and to punish witnesses or others, in proper cases, for contempt of court. After hearing evidence as aforesaid and duly considering said report or, in case no objection is made, after duly considering said report, said Board of Aldermen may approve, correct, amend, modify or reject the same, or any item therein, as to them may seem just and proper, and said report or said corrected, amended or modified report, as the case may be, shall then be entered in full in a book to be provided for that purpose by the Board of Aldermen, and to be enti-

Finding to be filed with clerk.

Notice.

Order to show cause.

Evidence.

Board a court.

Findings of aldermen.

titled "Record of Sewer Liens," which book shall be properly and Record.  
 accurately indexed, as near as may be, in the name of the owner  
 of the property affected by said improvement, so as to enable the  
 public to whom said book, with its index, shall always be open  
 and accessible during business hours, to readily ascertain what  
 property may be affected by said assessment and the amount of  
 said assessment against each piece or parcel of property: *Pro-* Proviso.  
*vided, however,* in no case shall any property be assessed by said  
 jury or the Board of Aldermen of said city on account of said im-  
 provement in excess of the special benefit or enhanced value of  
 said property arising from said improvement. Any aggrieved  
 party may appeal from the final determination of said Board of Appeal.  
 Aldermen with respect to said report, or any item therein, as  
 aforesaid, within ten days after the date of the registration  
 thereof, as above provided, to the next term of the Superior  
 Court of Buncombe County, beginning more than ten days after  
 the date of such appeal, by serving notice of appeal upon the Notice,  
 Mayor of said city, and specifying therein the particulars in which  
 he considers himself aggrieved by such determination of such  
 Board of Aldermen. On any such appeal the appellate court shall  
 have power to increase, affirm or diminish the amount of the Jurisdiction on  
 item appealed from, but not to adjudicate the necessity of the im- appeal.  
 provement, and such appeal shall in nowise hinder, obstruct or  
 delay said improvement. The amount of any special benefit or  
 enhanced value so assessed against any premises by the Board Enhanced values.  
 of Aldermen of said city, or on appeal adjudged against the same,  
 shall, upon such final determination of said Board of Aldermen,  
 with respect thereto, in case no appeal is taken therefrom, or In case no appeal.  
 upon final judgment of the Court in case of any such appeal, be  
 and become a lien in favor of said city, on said property on which  
 it has been so assessed or adjudged, as of the time of such final  
 determination, on the part of the Board of Aldermen, and shall  
 be paid to the city in three equal annual instalments, one, two How paid.  
 and three years respectively, together with interest on each in-  
 stalment at the rate of six per cent per annum from said date.  
 If any instalment shall remain unpaid for thirty days after its  
 maturity, all instalments then unpaid shall become due, and the  
 property and premises so assessed or charged shall be sold for  
 the payment of the same, and of the expenses of such sale, and Sale,  
 costs, by the Tax Collector of said city, under the same rules,  
 regulations, restrictions, rights of redemption and other pro-  
 visions as are prescribed in this charter for the sale of real  
 estate for unpaid taxes. The instalments of the assessments  
 herein mentioned, or any part of same, may be assigned and  
 transferred by said city either absolutely or conditionally, as to



Proviso.	the Board of Aldermen may seem best: <i>Provided, however,</i> that the provisions of this section in relation to the assessment of the costs and expense of sewer construction and extension in the streets of said city against private property specially benefitted thereby shall not become operative and effective unless and until approved by a majority of the voters of said city voting at a public election to be held in the same manner and upon the same terms as elections are or may hereafter be held in said city for the election of Mayor and Aldermen thereof, and at such election those who favor the adoption of said provisions of this section shall vote ballots with the words "For Sewer Extension" written or printed thereon, and those opposed thereto shall vote ballots with the words "Against Sewer Extension" written or printed thereon, and if at any such election, a majority of those voting thereat shall vote ballots with the words "For Sewer Extension" written or printed thereon, then the said provisions of this section in relation to the assessment of the costs and expenses of sewer construction and extension in the streets of said city shall immediately become operative and effective. The first election under this act shall be held whenever the Board of Aldermen of said city may order same, not less than thirty days after the date of such order, and if at such election a majority of those voting thereat shall not vote ballots marked "For Sewer Extension," then the Board of Aldermen of said city shall at any time and as often thereafter as they may deem best, not oftener, however, than once in any one year, order an election to be held under the rules and regulations prescribed by law for the election of Mayor and Aldermen of said city, and after thirty days' public notice thereof and at each of such elections, the ballots shall be as hereinbefore directed; and if at any such election, a majority of those voting thereat, shall cast ballots marked "For Sewer Extension," then the provisions of this section in relation to the assessment of the costs and expense of sewer construction and extension in the streets of said city shall immediately become operative and effective. But nothing in this proviso shall be construed to affect in any way the provisions of this section with respect to enforcing the connection of private property with conveniently accessible sewer lines and providing a lien in favor of the city for the costs and expense of making such connection.
Election prescribed.	
Style of ballots.	
Result.	
Board to order election.	
Subsequent elections.	
Notice.	
Result.	
Proviso.	
Sewerage.	SEC. 72. When any land or right of way within or without the limits of said city shall, in the opinion of the Board of Aldermen thereof, be required for the purpose of laying sewer pipes or making manholes, or for any other purpose connected with the successful operation of such sewer system or systems, and the owners of such property and said Board of Aldermen can not



agree as to the damage by reason thereof, the same shall be condemned, and damages assessed therefor in the manner hereinbefore prescribed for the condemnation of land for water-works or purposes connected therewith. For the purpose of successfully constructing and operating such sewer system or systems, said Board of Aldermen shall have power to extend the system and any branch or branches thereof beyond the limits of said city, in any direction or directions which it may think proper, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such sewer system or systems, and any and all branches thereof, whether within or without the limits of said city, as to it shall seem proper.

SEC. 73. Said Board of Aldermen, acting with the Board of Health, as herein provided, may take such measures as it may deem effectual, to prevent the entrance into said city, or spread therein, of any and all contagious, infectious or other diseases of whatever nature, and for that purpose may establish, maintain, enact, regulate, conduct and enforce all quarantine, and quarantine and other rules, regulations and requirements, including compulsory vaccination, which in its opinion may be necessary for the preservation of the health of said city, and the protection thereof from all manner of sickness or disease whatsoever, with all rights of entry upon property, and all other rights of every character necessary therefor: *Provided, however,* that all costs, expenses and charges of the quarantine herein in this section provided for, and of enforcing same, and of enforcing compulsory vaccination, and the regulations in regard thereto herein provided for, and of enforcing any rules, regulations or requirements to prevent the entrance into said city or spread therein of any epidemic infectious or contagious disease shall be borne and paid equally by the county of Buncombe and the city of Asheville.

SEC. 74. Said Board of Aldermen may require and compel the abatement of all nuisances in said city, other than sanitary nuisances, at the expense of the person causing the same, or the owner or tenant of the land whereon any such nuisance shall be, or may itself abate the same or cause the abatement thereof; it may also prevent any such nuisance; it may also prohibit, or license, and regulate the establishment within said city of any slaughter-house, or house for the storage of any explosive, unhealthy, dangerous or noxious substances, or the storage of any such substances, in any quantities whatever in said city, or within one hundred yards of its corporate limits, or the exercise therein of any dangerous, noxious, offensive or unhealthy trade, business or employment. If the owner, agent, tenant or occupant of any

Method of assessment.

Board of Health.

Quarantine.

Right of entry.

How paid.

Nuisances.

Vocations tending to a nuisance.

How regulated.

- premises in said city on or in connection with which any nuisance shall be committed, or about to be committed, shall refuse, fail or neglect to comply with any order of said Board of Aldermen 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, fined not more than fifty dollars, or imprisoned not more than thirty days, and said Board of Aldermen may at any time proceed to remove, abate, prevent or discontinue, or cause to be discontinued such nuisance, and the costs of so doing shall be 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 sidewalks, as hereinbefore provided.
- Misdemeanor.** **Penalty.** SEC. 75. Said Board of Aldermen shall have power to prevent dogs, horses, cattle, hogs and other brutes from running at large in said city, either in day time or at night.
- Abated.** SEC. 76. Said Board of Aldermen may prohibit, prevent and punish, and provide for prohibiting, preventing and punishing, the riding or driving of horses or other animals on the streets of said city at a high rate of speed; may prohibit, prevent, punish, restrain, license, restrict, regulate and control the riding or use of automobiles, bicycles or tricycles on the streets, sidewalks, alleys, public squares, parks or other public grounds of said city; may prevent, punish, prohibit, license, regulate and control the firing of guns, pistols, pop-crackers, gun-powder or other explosive, combustible or dangerous things or materials on the streets, alleys, sidewalks, public squares, parks, public grounds or elsewhere in said city, and may, by ordinance, prevent, prohibit and punish the carrying of concealed deadly weapons in said city by any person or persons when not upon his or their own premises.
- Dogs, horses, cattle, etc.** SEC. 77. Any person who shall keep in said city a bawdy-house, a disorderly house, house of ill-fame or house in which prostitution, lewdness, or illicit sexual connection is permitted, shall be guilty of a misdemeanor, and upon conviction thereof shall for every offence be fined not exceeding fifty dollars, or imprisoned not more than thirty days; and each day for which such house is so kept shall constitute a distinct and separate offence, and the keeping of any such house may, at any time, whether or not there has been a prosecution for any such offence, be declared a nuisance by said Board of Aldermen and abated in the same manner hereinbefore provided for the abatement of nuisances.
- Power of board to punish.** SEC. 78. Every owner of any real property in said city or any estate therein, or agent of such owner, who shall lease, use or
- Disorderly houses.**
- Real property.**

permit the use of the same for a bawdy-house, disorderly house, or house of ill-fame, or as a place where prostitution, lewdness or illicit sexual connection is carried on or allowed, or shall continue to lease the same to any tenant who uses the same or permits its use for any of said purposes, or shall knowingly suffer any person or persons to use it for any such purposes, when it is within his right or power to prevent such use, shall be guilty of a misdemeanor and upon conviction shall for every offence be fined not more than fifty dollars, or imprisoned not more than thirty days, and each day for which the same is so used or so suffered to be used shall be and constitute a distinct and separate offence.

Leases for bawdy houses.

SEC. 79. Every person who, not being a resident therein, shall frequent any bawdy-house, disorderly house, house of ill-fame, or other house in said city where prostitution, lewdness or illicit sexual connection is carried on, for the purpose of indulging in any such illicit connection or aiding others to indulge therein, or who shall be found in any such house for such purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days; and the presence of such person in such house shall be *prima facie* evidence that he or she is there for such purpose.

Persons frequenting bawdy houses.

SEC. 80. Said Board of Aldermen shall have power to regulate, control and protect, in such manner and to such extent as to it may seem proper, the streets, alleys, sidewalks, public squares, parks, city hall, fire department, markets, voting places, cemeteries and other property of said city, whether real or personal, within the limits thereof or beyond such limits, and may pass and enforce all ordinances, rules and regulations therefor, from time to time, which it may deem proper.

Protection of city property.

SEC. 81. Said Board of Aldermen may establish, regulate and control markets in said city, and for that purpose may acquire, purchase and hold in fee-simple and lease real estate in said city, and erect, construct and maintain thereon suitable buildings for marketing purposes, and may make, pass, provide and enforce such ordinances, rules and regulations as to it may seem proper for the government and management of any such market house or market houses; may prescribe at what times and places in said city marketable things may be sold, and in what manner, whether by weight or measure, may be sold in said city grain, meal, wood, coal, fuel, flour, fodder, hay, straw, shucks and all marketable articles; may erect scales for the purpose of weighing the same, appoint a weigh-master, fix his fees, and direct what shall be required to be weighed on such scales, and by whom said fee shall be paid; and may appoint a keeper or keepers of such market or markets, and prescribe his or their duties, powers, authority,

Markets.

Fees.

- Vendors. fees and compensation. And it shall be lawful for said Board of Aldermen to impose taxes on wagons and carts, or other vehicles, or any person selling farm products, garden truck, fish, oysters, meats, vegetables, chickens or other things on the public streets of said city, and it may regulate, control, prohibit, prevent and punish such sales in its discretion.
- Fire limits. SEC. 82. Said Board of Aldermen may establish fire limits in said city within which it shall be unlawful for any person or persons to erect, construct or repair any buildings of wood or other material inflammable or peculiarly subject to fire.
- Public Buildings. SEC. 83. Said Board of Aldermen may establish, construct, maintain, regulate and control in said city, all public buildings necessary or proper for the best interest of good government or conduct of the affairs of said city; and for that purpose may purchase, acquire and hold in fee-simple any lot or lots, or other real estate whatsoever, or in its discretion, may, from time to time lease such buildings, lots and real estate.
- Interments. SEC. 84. Said Board of Aldermen may prohibit interments in said city or at any place or places therein, and may cause to be kept and returned bills of mortality and births therein, under such rules and regulations as to it may seem proper.
- Fire companies. SEC. 85. Said Board of Aldermen may provide for the establishment, organization, equipment, management, regulation, government and control of all fire companies of any kind or kinds in said city and may purchase and maintain all necessary buildings, outfits, animals, wagons, tools, implements, machinery and other articles and things of any kind or kinds for the efficient maintenance, control and operation of the same. In all cases of a fire or conflagration in said city, a majority of the members of said Board of Aldermen who may be present shall, if they deem it necessary, in order to arrest the progress of such fire or conflagration, cause any house or structure to be blown up or pulled down, or destroyed or removed, in whole or in part, under their supervision, and none of them, nor the city, shall be responsible to anyone therefor when any such act is so caused to be done in good faith.
- Firemen. SEC. 86. No member of a fire company in said city who receives no compensation for his services as such shall be liable to pay any poll tax therein while in good faith belonging to such company, or during such period pay any street tax therein which may be by law imposed, other than assessments on property for street or sidewalk improvement.
- Debts and liabilities. SEC. 87. All debts and liabilities of said city heretofore or hereafter contracted or incurred, shall be paid and discharged alone by taxation upon subjects properly taxable by it to the

extent allowed by law, and no such debt or liability shall be subject to be levied upon or collected by execution against said city, or any property, real or personal, held by it, and no execution therefor shall issue against said city on any judgment obtained thereon.

SEC. 88. No Alderman of said city shall, at any time or times within his term as such, hold any other office or appointment thereof except as herein otherwise provided.

Aldermen not to hold other offices.

SEC. 89. Said Board of Aldermen shall cause to be made out and published in some newspaper in said city, once every three months, an itemized statement of the receipts and disbursements of said city for the quarter immediately preceding, and the amount of money then in the hands of the Treasurer.

Receipts and disbursements published.

SEC. 90. In no case where a defendant in any criminal prosecution shall have appealed from the judgment of the Police Justice's Court of said city, shall said city be adjudged in such appellate court to pay the costs of such prosecution, or any part thereof, whether upon such appeal such defendant shall be convicted or acquitted, or such judgment appealed from, reversed or affirmed.

Appeal in criminal actions.

SEC. 91. All notices provided in this act to be given or served by said city, or any of its officers or employees, shall, unless otherwise herein provided, be served by a Policeman of said city, by the delivery of a copy thereof, to the person or persons directed, required or allowed to be served, if such person or persons can be found in said county of Buncombe, and if any such person can not be found in said county, such Policeman shall make an affidavit thereof before the Mayor of said city, who shall thereupon direct such service to be made of such notice by posting a copy thereof at the court-house door in said city for such length of time as such notice shall be required to be given, if any, and if no such time be required, then for a single time; and such Policeman shall so post such copy, and such posting shall be deemed a sufficient service of such notice in such case.

Notices.

SEC. 92. Said Board of Aldermen may borrow, in any fiscal year, a sum or sums of money not exceeding in the aggregate, twenty thousand dollars outstanding at any one time, in such amount as the same may be needed for the necessary expenses of said city, at a rate of interest not exceeding six per centum per annum, and execute therefor the note or notes of said city sealed with the seal of said city, and to be in such form as the Board of Aldermen may from time to time prescribe; but such aggregate sum shall not in any such fiscal year, exceed the aggregate taxation of said city for that year on general subjects of taxation therein; and all such loans made in any fiscal year shall

Power to contract debts.

be paid out of the general taxes for that year, and no such loan shall be made to come due at a date later than the expiration of the fiscal year in which it is made, and no sum whatsoever shall be borrowed under the provisions of this section until all preceding loans made thereunder in any previous fiscal year or years shall have been paid in full of principal and interest.

Arrests by city officers.

SEC. 93. Arrests may be made by any Policeman of said city anywhere in said county of Buncombe whenever the officer making such arrest has in his hands a warrant against the person arrested, issued by the Police Justice of said city, or Justice of the Peace of said county of Buncombe, or other competent authority, or whenever any misdemeanor or violation of any ordinance of said city has been committed in his presence, or whenever a misdemeanor or violation of any ordinance of said city has been committed and he has reasonable cause to believe that the person so arrested is guilty of such offence, and may make his escape before a warrant can be obtained, or whenever a warrant has been issued against the person so arrested and is outstanding unexecuted in the hands of any Policeman of said city, or in the hands of the Sheriff or any Deputy Sheriff or Constable of said Buncombe County.

Same power in making arrests as sheriff or constable.

SEC. 94. In making arrests the Policeman of said city shall have all the powers of a Sheriff or Constable of said county of Buncombe, as well as all the powers by this act conferred upon them.

Right to summon bystanders.

SEC. 95. Whenever any arrest is made by an officer of said city he may summon any of the bystanders or other persons having information in regard to the matter for which such arrest is made, and witnesses to attend as such at the hearing of the charge upon which such arrest is made, and any such summons shall be effectual and binding in the same manner as if made by subpoena, for such person so summoned, duly issued and served in such causes.

Police court.

SEC. 96. The Police Justice Court of said city shall be held therein by the Police Justice, the Mayor, the Vice-Mayor or Mayor *pro tempore* of said city, as hereinbefore provided, and its sessions shall be open at nine o'clock in the morning of every day, except Sundays, in the year; and as often thereafter on any such day as to the presiding officer thereof shall seem best.

When arrests are made, what to be done.

SEC. 97. When any arrest shall have been made, as in this chapter provided, the person so arrested shall be carried by the officer making such arrest, or some other officer of said city, before said Police Justice Court, at its next session thereafter for trial, and such court may, for cause satisfactory to it, postpone the hearing of any such case to such time as it may think proper. When any such arrest shall have been made the person so ar-

rested shall, until such next session of the Police Justice Court, be confined for safe keeping in the city prison of said city, until such time for a hearing arrives, or admitted to bail until such time, in such manner and under such rules and regulations as said Board of Aldermen shall prescribe; and in case of any such continuance in the Police Justice Court, such person shall, until the time set for the hearing of this cause, be imprisoned in said city prison or admitted to bail by the presiding officer of said court, in such manner and under such rules and regulations as said Board of Aldermen shall provide, and in none of the cases of confinement in this section provided for shall any mittimus be required.

SEC. 98. Whenever any person shall, upon conviction in said Police Justice Court, be sentenced to imprisonment, or ordered to be imprisoned until such person shall have complied with the judgment of said court, such persons shall, for such period or until such time, be confined accordingly in the prison of said city, unless otherwise in this act provided.

Upon conviction  
may be impris-  
oned.

SEC. 99. If at any time the Board of Aldermen of said city shall determine that all persons who would, under the provisions of this act, be subject to confinement until trial, or imprisonment for punishment, or until compliance with the judgment of the court, in the prison of said city, as hereinbefore provided, or any of them, or any class of them, shall be instead so confined or imprisoned in the jail of said Buncombe County, it shall in every such case be the duty of the Sheriff or Jailor of said county to receive any such person with or without mittimus, as hereinbefore provided, in regard to the prison of said city, into such county jail, and keep such persons until such trial, or for such punishment, or until such person shall have complied with the judgment of the court, in the same manner as such person would otherwise but for the provisions of this section have been subject to be kept in the city prison of said city, and in no case shall said city be liable to pay any fees, costs or expenses incident to such confinement or imprisonment.

Sheriff or jailor to  
receive persons so  
sentenced.

SEC. 100. Whenever any female shall be arrested or imprisoned for any violation of this act or ordinance of said city she shall, while under such arrest or during such imprisonment, be kept, except when under bail, in the custody and under the management, subject to the control of said Board of Aldermen, of some reputable female employed by said Board of Aldermen for that purpose, in some separate prison or reformatory by it therefor provided, and if a convict, she shall be required, under such custody and management and subject to the rules and regulations therefor prescribed by said Board of Aldermen, to work out

Arrest of females.



any fine imposed and the costs of the prosecution at a rate of wages to be prescribed by said Board of Aldermen.

Duty of policemen.

SEC. 101. The policemen of said city shall, at the opening of the Police Justice Court every morning, report to the presiding officer thereof all arrests and commitments made since their last report respectively, specifying in such reports the names of the persons so arrested or committed and the causes and times of their arrest and commitment respectively.

Claim against city.

SEC. 102. No action shall be instituted or maintained against said city upon any claim or demand whatsoever of any kind or character, until the claimant shall have first presented his or her claim or demand, in writing, to said Board of Aldermen, and said Board of Aldermen shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

Action for damages against city.

SEC. 103. No action for damages against said city of any character whatever to either person or property shall be instituted against said city, unless within ninety days after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the Board of Aldermen of said city of such injury, in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury or in any manner interfere with its running.

School committee.

SEC. 104. That there shall be appointed by the Board of Aldermen of the city of Asheville at their first regular meeting in June, nineteen hundred and one, a school committee of the city of Asheville, which shall be non-partisan, and consist of six members, who shall be citizens of Asheville, and four of whom shall consist of the present members of said school committee as now constituted, whose terms of office do not expire on that date. The said school committee shall be divided by said Board of Aldermen, at the time of their appointment, into three classes of two each. The term of office of the first class shall expire at the end of two years from the date of their appointment, and the term of office of the second class shall expire at the end of four years from their appointment, and the term of office of the third class shall expire at the end of six years from said date: *Provided, however,* nothing herein contained shall be construed to

How divided.

Tenure.

Proviso.



affect in any way the term of office of any member of said school committee as constituted at the date of the passage of this act. Whenever the term of office of any class shall expire, as above provided, their successors shall be appointed for a term of six years by 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 or 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 or 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, or be interested in any way in the business of 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 a 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 school. Said committee shall receive no compensation for their services, but shall be exempt from jury service.

Duties.

SEC. 105. All children who are *bona fide* residents of said city between the age of six years and twenty-one years, shall be admitted into said school as pupils therein, free of tuition charges, and said school committee shall be the exclusive judge of the *bona fides* of such residence.

School children.

SEC. 106. Said schools shall be separated and kept separate in such 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

Schools, how conducted.

any applicant for admission to any of said schools is entitled to enter or attend the same under the provisions of this section.

Money for educational purposes.

SEC. 107. The school committee provided for by this act shall apportion the money raised or received for educational purposes in the city of Asheville as shall be just to the white and other races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the different schools for the different races.

School tax.

SEC. 108. Said Board of Aldermen shall lay annually and cause to be collected by the City Tax Collector, in addition to the taxes otherwise provided for, and under the same rules and regulations as general poll and property taxes provided for by law are collected, a special educational tax in said city not to exceed thirty cents on the one hundred dollars valuation of property, and ninety cents on the poll, for the purpose of maintaining and supporting said schools.

How collected.

SEC. 109. The taxes laid and collected for educational purposes as aforesaid, 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 shall be kept separate from all other funds belonging to said city. But said school committee shall not be required to use said school funds for the purpose of erecting new school buildings, making addition to the ones now owned by said city, or furnishing said school buildings with heating apparatus, or making any other permanent improvements of like kind and nature to said school property, beyond the ordinary wear and tear of the same, nor for paying fire insurance on said school property, but such new buildings, additions, improvements and insurance shall be provided by the said Board of Aldermen out of the general funds of said city, or otherwise, as said board shall determine.

School money.

SEC. 110. The money which shall from time to time be apportioned under the general school law of this State to the public schools 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 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

Treasurer of school fund.

How signed.

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. 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. 111. 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 law 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 required of them for the purpose of carrying out the full extent and meaning of this act. The officers of said committee shall 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 alter or change at pleasure. That said school committee shall not have power to transfer, sell, mortgage or convey any of the property, real or personal, now held or hereafter to be held by the city of Asheville for school purposes, and shall not contract any debts 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.

Proviso.

Bond required.

Report to be made.

School committee a body corporate.

Powers of school committee.

School property  
the property of  
the city.

How managed.

Title to said  
property in  
whom.

Power of alder-  
men over streets.

Abutting land-  
owners liable to  
two-thirds assess-  
ment.

SEC. 112. All the lands, lots, buildings, grounds, fixtures, appurtenances, real estate, property rights, credits, rights of action and effects now belonging to the school committee of the city of Asheville, or now existing in favor thereof, or which may result from any existing matters, causes, circumstances or contingencies shall, immediately upon the ratification of this act, become and be absolutely the rights and property of the city of Asheville; and said city is hereby authorized and empowered to prosecute, manage and defend any and all actions now pending or which may be hereafter instituted or pend in any of the Courts of this State or of the United States, or of any other State or Territory, in reference to any such property or rights; but said city shall not be liable or responsible for any debt, contract, obligation or other liability of said "the school committee of the city of Asheville" beyond the sum it shall actually realize and receive from the transfer of the lands, lots, buildings, grounds, fixtures, appurtenances, real estate, property rights, credits, rights of action and effects provided for in this section.

SEC. 113. Said city shall be capable of holding all the property and rights of every kind mentioned in the preceding section in fee-simple, or otherwise, and of receiving gifts and grants 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 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 and 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 liability.

SEC. 114. That the Mayor and Board of Aldermen of the city of Asheville shall have full power and authority, and it is hereby made their duty to grade, pave, macadamize and otherwise improve for travel and drainage the streets and public squares and alleys of said city and put down crossings, curbings and cross-drains, and otherwise properly improve them, and that the said Mayor and Board of Aldermen shall begin the said work at once and prosecute the same as vigorously as practicable under the provisions of the charter of the said city.

SEC. 115. That in order to more fully carry out the duty imposed by section one hundred and fourteen of this act the said Mayor and Board of Aldermen shall assess two-thirds of the cost of the grading, paving, macadamizing, constructing cross-drains, side-drains, and all other necessary drains and crossings, or otherwise improving said roadways or streets proper on the real

estate abutting on the street, public square, alley or roadway or portion thereof so improved or repaired, assessing one-third of the cost of such improvements on the real estate abutting on each side of the street or part thereof so improved or repaired: *Provided*, that whenever any such street, public alley or roadway or the part thereof so proposed to be graded, paved, macadamized or otherwise improved, lies as much as two thousand feet from the point where the electric light tower on Court Square in said city now stands, the said Mayor and Board of Aldermen shall not be authorized to pave, macadamize or otherwise improve the same by virtue of this act, or to levy assessments upon the property abutting on such streets or alleys or the parts thereof so paved, macadamized or improved lying outside of the said radius as in this act set forth, until and unless the persons owning land abutting on such street or alley or the portion thereof proposed to be improved which has more than one-half of the frontage abutting on such streets or alley or the portion thereof proposed to be improved, shall in writing request the said Mayor and Board of Aldermen to make such improvement; but the nature and kind of the material used in such improvement so made shall be left to the discretion of said Board of Aldermen in all cases.

SEC. 116. That to equalize the assessments on real estate for the purposes described in section one hundred and fifteen of this act, the said Mayor and Board of Aldermen shall estimate the total cost of such improvement made throughout the entire length of such work and improvement, and shall then *pro rate* the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge to and assess upon the real estate upon each side of the street upon which said work is done its *pro rata* share of one-third of the cost of such improvement made under the provisions of this act: *Provided, however*, in order to avoid obstructing land owners in subdividing and selling their property by reason of the liens hereby created upon the same, such land owners may subdivide their lands in such manner as they may see fit, and shall file in the office of the City Clerk a plat of subdivisions, making the lots fronting on the streets so paved or improved of any desired frontage, but not less than one hundred feet in depth, and the assessments made and the liens created by virtue of this act for street improvements shall thereafter affect and attach to such front lots only, not less than one hundred feet in depth; and where, in such cases, any lands fronting on such improvements are so subdivided into lots, each of said lots fronting on such improvements shall be and remain charged with its ratable proportion of said assessments and lien according to its frontage.

How assessments  
are to be equal-  
ized.

Proviso.

Survey to be made.	Wherever the said Mayor and Board of Aldermen shall order paving or other improvements to be made on any street or any part thereof in the said city, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots and properties abutting on said street or the portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivisions, if any, and the said map shall be filed in the office of the City Clerk, to be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street, the said City Clerk shall write upon the said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments, liens, and the date and amount of all payments made on any of said assessments and liens: <i>Provided further</i> , that no assessment against any piece of property improved as herein allowed shall in any case exceed in amount the special benefit to or enhancement in value of said property by reason of said improvement.
Procedure.	
Assessment a lien.	SEC. 117. That the amount of the assessments for such street improvements as hereinbefore provided, being estimated on each piece of real estate as above directed, shall be a lien on such real estate, and the said Mayor and Board of Aldermen shall cause the city engineer to make a survey and a report of the amount of the work done and the cost thereof, upon what streets or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot and the <i>pro rata</i> shares of such cost of such street improvement to be assessed against such real estate, and upon the adoption and approval of the said report, the liens authorized by this act shall become complete and operative, and shall be paramount to all other liens on said real estate except the liens for taxes thereon, and the said report shall be transcribed upon the minutes of the said Board of Aldermen, and the amount of said liens and of said assessments against all property abutting on said streets as aforesaid shall become due and payable as follows, to-wit: One-fifth in thirty days after the adoption of said report, and the balance in four equal annual installments, which deferred payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid, and upon the filing of said report the said Mayor and Board of Aldermen shall cause ten days' notice to be given by publication in some newspaper published in the city of Asheville, stating that such report has been filed in the office of the City Clerk, and that at the first regular meeting of the said Board of Aldermen to be held after the expiration of
Report to be made.	
How paid.	

said ten days' notice, the said Board of Aldermen would consider said report, and if no valid objection be made thereto, the same would be adopted and approved by said board. Any owner of land affected by said lien for assessments shall have the right to be heard concerning the same before the said Board of Aldermen, by filing objections thereto in writing, duly verified by his oath, in the office of the City Clerk, at least two days prior to the first meeting of the board, at which said report may be approved and confirmed, but not thereafter, and any person so object-  
Objection, how made.

ing to the confirmation or approval of said report shall state in said objections, in writing, what part, if any, of said assessments he admits to be lawfully chargeable to his said land, and what part thereof he disputes, and said Board of Aldermen shall hear said objection, and shall thereafter approve or confirm said report, and overrule said objections or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act. Any person who shall have filed objections as aforesaid to the confirmation of said report shall have the right within five days after the approval or confirmation of the same by the said Board of Aldermen, and not after that time, to appeal from the said decision of the said Board of Aldermen to the next term of the Superior Court of Buncombe County, North Carolina, by serving upon said city notice in writing of his intention so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the Clerk of the Superior Court of Buncombe County a written undertaking in at least the sum of four hundred dollars, with sufficient sureties, to be justified before and approved by said Clerk, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of such appeal, if the Court shall finally render judgment against said appellant. In case of an appeal as aforesaid, a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the Mayor and Board of Aldermen, a copy of the objections of the appellant thereto and of said notice, duly certified by the City Clerk, shall constitute the record on appeal, and when filed in the office of the Clerk of the Superior Court of said county, the same shall be docketed on the civil issue docket in the name of the person taking such appeal against the city of Asheville as "an appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of said city, but said city shall have the right to file a further answer or defense thereto, if it be so advised, and said cause shall stand for trial at the next  
Objections to be verified.  
Report to be corrected.  
Right of appeal.  
Written undertaking.  
Record on appeal.



Method of procedure.

term of Court, beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all right to prosecute such appeal shall be thereby forfeited. And upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien for said assessments shall be discharged. If, however, the issues or any of them be found in favor of the city of Asheville to any amount, and if it be thereby ascertained that the appellant is due to said city any amount by virtue of the matters therein referred to, or that said land is subject to a lien for said assessments, or any part thereof, then the amount so found in favor of the city of Asheville, with interest thereon, together with costs thereon accrued, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of said report by said Board of Aldermen, and shall be collected by the Tax Collector in such manner as the other assessments herein provided for are collected. The adoption and approval of said report of the city engineer by said Mayor and Board of Aldermen shall complete the said liens for the amount therein stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid; and in case of a failure to pay either of said assessments or any installment thereof within thirty days after its maturity, then the whole thereof shall become immediately due and payable, and an execution shall be issued by the said City Clerk directed to the Tax Collector of said city, who shall advertise the land upon which the said assessments so in default have been made as aforesaid, in the same manner as is required by law for the sale of land for taxes under the provisions of the charter of said city, and shall sell the said land, or a portion thereof, at the court-house door in Buncombe County, North Carolina, in the same manner as he is required to sell real estate in said city in case of the failure to pay the taxes due thereon, and shall give to the purchaser a receipt stating the time the land was advertised, the date of sale, the name of the purchaser, the price paid, the amount of the assessments due thereon, the costs of the sale, the name of the owner or owners of the land sold, the interest in said land so sold, as aforesaid, and a description of the same, and the owner or owners of the land so sold as aforesaid shall have twelve months within which to redeem the said lands from such sale by paying to the Tax Collector of said city the amount for which said lands were sold, together with twenty per centum per annum additional thereto.



In making such sale the said Tax Collector shall set up and offer for sale the whole of the real estate to be so sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amount of the assessments due thereon, with all costs and expenses for making the sale 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 assessments are collected, the sum of one dollar to defray the expenses of such advertisement. All such sales shall be made to the highest bidder for cash, on any day of the week or month except Sunday or legal holidays, and he shall be deemed the highest bidder who will pay such assessments and expenses of the sale for the smallest interest in said real estate, and if no person shall bid enough to pay such assessments and expenses, said Tax Collector shall bid on behalf of the city of Asheville the amount of such assessments and expenses, and if no higher bid shall be made, the same shall be struck off to the said city of Asheville, and in all cases where real estate shall be struck off to the said city, as hereinbefore provided, the same shall belong to the city in fee-simple, unless redeemed in the manner prescribed by law, and said Tax Collector shall immediately thereafter make a return to the Board of Aldermen of said city by filing with the Clerk of said city a statement of the proceedings showing the purchaser or purchasers of said real estate, and the amount or interest in such real estate or each part thereof that was sold, which shall be entered by the City Clerk upon the minute books of the said Board of Aldermen; if the lands so sold as aforesaid is not redeemed within twelve months, then the Tax Collector of said city shall make to the purchaser or purchasers a deed in fee-simple for the said lands, or the interest thereof so sold as aforesaid, and the said deed shall operate to convey to the purchaser and his heirs the title to the said land in fee-simple: *Provided, however,* that the owner of any land subject to the liens and assessments hereinbefore mentioned shall have the privilege of paying off all of said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.

SEC. 118. That the Mayor and Board of Aldermen of said city by their proper officers shall have the exclusive control and management of the work of improving of said streets, and the cost thereof shall be paid out of the street improvement fund provided for in this act, and out of any other funds belonging to the said city of Asheville that may be available for such purpose, the said city itself being liable for the costs of all curbing and for one-

Control over the working of the streets.

third of the costs and expenses of improving the street or roadway between the curbings and the abutting land on each side, assuming the liability hereinbefore created: *Provided, however,* that whatever of the cost of the street improvements which may be paid by or assessed against the property of any street railroad or railway company as provided for by law, shall be deducted from the proportion of the costs of such improvement for which the said city is liable as aforesaid, whether such street railway or street railroad shall run through the center or upon either side of the street so improved as aforesaid, and the amount to be paid by said street railway or street railroad company as provided for by law, shall not in any event be deducted from any sum assessed against the abutting land owners under the provisions of this act.

Aldermen have power to sell liens, etc.

SEC. 119. That said Mayor and Board of Aldermen are hereby authorized and empowered to assign, sell and transfer the said liens created by this act and all sums owing thereon, either absolutely or upon condition, to any person or persons in order to enable them to raise means to carry into effect the provisions hereof, and if any such liens shall be transferred as aforesaid and shall not be paid to the owner thereof when due, they shall be collected by the Tax Collector of said city in the same manner as other assessments hereinbefore provided for in this act, and the amount thereof, when collected, shall be paid by said Tax Collector to the owner or owners of said liens, less two per centum of the amount actually collected by him, which shall be paid to the City Treasurer to cover the costs of such collection.

Disposition of funds derived from preceding section.

SEC. 120. That all funds derived from assessments heretofore or hereafter levied by said Mayor and Board of Aldermen of the city of Asheville upon private property on account of improvements of the streets upon which such property abuts, shall, when collected and received by the city of Asheville, constitute a special fund, to be designated as "Street Improvement Fund," and the same, with the funds derived from the taxes hereinafter authorized to be levied, shall be kept separate from all other funds of the said city, and a separate record thereof shall be kept by the City Clerk, and said funds and every part thereof shall be applied by said Mayor and Board of Aldermen exclusively to the grading, paving, macadamizing or otherwise improving the streets of said city according to the true intent and meaning of this act, and in order to supplement the Street Improvement Fund, and to enable said Mayor and Board of Aldermen to carry into effect the provisions of this act, the said Mayor and Board of Aldermen are hereby authorized and empowered to levy annually and cause to be collected by the City Tax Collector, in addition to the taxes other-

To be kept separate.

To be collected annually.

wise provided by law, and under the same rules and regulations as general poll and property taxes are provided for by law, a special street tax in said city, not to exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the poll, for the purpose of carrying into effect the provisions of this act, and the funds derived from such taxes shall be and constitute a part of the "Street Improvement Fund" hereinbefore mentioned, and shall be applied exclusively to the purposes hereinbefore set forth.

SEC. 121. That said Mayor and Board of Aldermen are hereby authorized and empowered to make and enter into any and all contracts and agreements, and to pass, ordain and to enforce any and all orders, rules and regulations that may be necessary and proper to carry out the provisions of this act.

Power to contract.

SEC. 122. And for the preservation and protection of the pavements and improvements herein provided for, the Board of Aldermen of said city shall have and are hereby given power and authority in all cases where any of the public streets or alleys of said city whereon water and sewer pipes have been laid or are conveniently accessible are being paved or are about to be paved, to require the owner or owners of any unimproved or vacant lots or parcels of land bordering or abutting thereon, under the supervision of the city engineer, to make proper branch water pipe and sewer connections for said lots or parcels of land, from said water pipes and sewers to the edge of such lots or parcels of land upon like notice, terms, and under the same regulations as are herein provided for making or requiring such connections with improved lots in said city; and upon failure of the owner or owners of such unimproved or vacant lots or parcels of land to so connect the same within the time required, said Board of Aldermen may make such connections, and charge the costs thereof against said lots or parcels of land in the same manner as is hereinbefore provided in the case of sidewalks, and such costs so charged shall constitute a lien upon such lots or parcels of land to the same extent and to be enforced and collected in the same manner as the liens hereinbefore provided with respect to the sidewalks in said city: *Provided further*, that in all such cases as are herein in this amendment mentioned, the Board of Aldermen of said city may require any person, firm or corporation owning or using gas mains, gas pipes, or any other pipes whatever, or underground electric or other wires, in or under said streets, so being paved or about to be paved, to forthwith make all their lateral connections in said streets at least to the edges thereof before said streets are paved and so as not to interfere with the progress of the paving; and for failure for

Power to protect and preserve street improvements.

twenty days after notice of said requirement to comply with same, said person, firm or corporation, so in default, shall thereby forever thereafter forfeit the right to use said streets for the purposes aforesaid, and the Board of Aldermen of said city may at its discretion remove said gas mains, pipes and wires from said streets.

Aldermen  
empowered to  
issue bonds.

SEC. 123. That the Mayor and Board of Aldermen of the city of Asheville at any time within ten years after the ratification of this act at any election held for that purpose as hereinafter provided, be and they are hereby authorized and empowered to issue coupon bonds in the name of the city of Asheville in such denomination and form as the said Mayor and Board of Aldermen may determine to an amount not exceeding two hundred thousand dollars, and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding four per centum per annum, payable semi-annually, and to be payable at such time or times and place or places as the said Mayor and Board of Aldermen shall determine: *Provided*, that the time of payment of said bonds shall not be fixed at less than twenty nor more than fifty years from their date; that the said bonds shall be signed by the Mayor of said city, attested by the City Clerk, and shall be under the corporate seal of said city, and the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form; and said bonds when issued and the interest accumulating thereon shall be fully binding upon said city and its property.

Authorized to sell  
bonds.

Disposition of  
funds.

SEC. 124. That the Mayor and Board of Aldermen of said city of Asheville are hereby authorized and directed to sell the bonds authorized by this act, or any portion thereof, at a price not less than their par value and apply such amount of the proceeds of such sale as may be necessary exclusively to the improvement and extension of the present system of water-works of said city as in the opinion of said Board of Aldermen may be advantageous to said city. And the proceeds of the sale of said bonds shall be used for no other purposes; but the purchaser or purchasers of said bonds, or any of them, shall not be bound to see to the application of the purchase-money paid therefor.

To levy and col-  
lect a tax.

SEC. 125. That the Mayor and Board of Aldermen of the city of Asheville, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city, sufficient to meet the interest on said bonds, and pay the principal thereof when they shall become due and payable, and said taxes shall be col-

To meet interest  
on bonds.

lected in like manner as the other taxes of said city and paid into the hands of the Treasurer thereof for the purpose aforesaid.

SEC. 126. That said bonds shall not be issued nor taxes levied until authorized by vote of a majority of the qualified voters of the said city at a public election to be held in the same manner as elections are or may hereafter be held in said city for the election of Mayor and Aldermen thereof, and at such election those who favor the issuing of said bonds and levying the taxes herein provided for shall vote ballots with the word "Approved" written or printed thereon, and those opposed to issuing said bonds shall vote ballots with the words "Not Approved" written or printed thereon; and if at any such election a majority of the qualified voters of said city shall vote ballots with the word "Approved" written or printed thereon, then the said Mayor and Board of Aldermen shall issue said bonds and levy a tax sufficient to meet interest and principal thereof when due, as hereinbefore specified. The first election under this act shall be whenever the Board of Aldermen may order same, not less than thirty days after the date of such order; and if at such election a majority of the qualified voters of said city shall not vote in favor of issuing said bonds, then the Board of Aldermen of said city shall at any time and as often thereafter as they deem best, not oftener, however, than once in any one year, order an election to be held under the rules and regulations prescribed by law for the election of Mayor and Aldermen of said city, and after thirty days' public notice thereof and at each of such elections the ballots shall be as hereinbefore directed, and if at any such election a majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds as aforesaid, then the said bonds shall be issued by said Mayor and Board of Aldermen, to be applied to the purposes and upon the terms and conditions hereinbefore stated in this act.

Bond issue to be voted on.

Style of ballots.

Notice.

SEC. 127. That chapter five hundred and nineteen of the Public Laws of eighteen hundred and ninety-seven be and the same is hereby repealed.

Chapter 519, Public Laws 1897.

SEC. 128. That nothing contained in this act shall in anywise affect the term of office or the present salary of any officer of said city, until the expiration of his present term of office.

Present administration not affected.

SEC. 129. That all laws and parts of laws inconsistent or in conflict with any of the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 130. That this act shall be in force and effect from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 101.

## AN ACT TO AUTHORIZE AND ENABLE THE NORFOLK AND WESTERN RAILWAY COMPANY TO LOCATE, CONSTRUCT AND OPERATE EXTENSIONS AND BRANCHES OF ITS LINE WITHIN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Where Norfolk and Western Railway Company may build branch lines.

SECTION 1. That the Norfolk and Western Railway Company be and is hereby authorized to extend its line or lines of railroad by one or more routes across the boundary line between this State and the State of Virginia, crossing said boundary line in the counties of Alleghany and Ashe, or either of them, as often as said company may determine, from any point or points in the counties of Carroll and Grayson, in the State of Virginia, through and to any point or points in the counties of Alleghany, Ashe and Watauga, or either of them, in this State, with full power to locate, construct and operate the same within the State of North Carolina, and also full power to locate, construct and operate branch roads from such extension or extensions in the aforesaid counties of Alleghany, Ashe and Watauga, or either of them, not exceeding twenty-five miles each in length, as may be necessary to enable it to connect with or reach any line of railroad now or hereafter constructed, or with any mining, manufacturing or lumber operations in the State of North Carolina; and for the purpose of this act the said company shall have the same right to acquire, by purchase or condemnation, lands for the right of way and stations in the State which the general laws of this State grant to railroad corporations of this State.

Length of local branch roads.

Rights of eminent domain.

Corporate powers and restrictions.

SEC. 2. That said company shall have and exercise such rights, powers and privileges, not inconsistent with the laws of this State, as may be required from time to time to locate, construct and operate the aforesaid extensions and branches in this State, and shall be vested with all the powers and franchises granted railroad companies under and shall be subject to all the obligations, rules, regulations and restrictions imposed by the general railroad laws of this State so far as they may be applicable.

Power to mortgage.

SEC. 3. It shall be lawful for the Norfolk and Western Railway Company, by mortgages or deeds of trust now or hereafter executed, to secure the payment of any of its bonds or obligations upon all or any portion of its railroad, property and franchises owned, operated or possessed under the provisions of this act.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 102.

AN ACT TO INCORPORATE THE TOWN OF PINNACLE, IN THE  
COUNTY OF STOKES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Pinnacle, in the county of Stokes, Incorporated, be and the same is hereby incorporated under the name and style of the Town of Pinnacle, and in and by that name may sue and be Corporate name. sued, plead and be impleaded, contract and be contracted with, Corporate powers. acquire and hold property, real and personal, for the use of the town, as its Board of Commissioners may deem necessary or expedient.

SEC. 2. That the corporate limits of said town shall be a terri- Corporate limits. tory embraced in the following boundary, viz.: Beginning at a rock on the south side of a road leading from the hollow road to the Pilot Mountain and running south 17 degrees, east ninety-eight and one-half ( $98\frac{1}{2}$ ) chains to a white oak on the north side of a road; thence east twenty-six and one-half ( $26\frac{1}{2}$ ) chains, crossing the Sycamore ford road and the old Rockford road to a small pine on the east side of said road; thence north nine (9) chains west, crossing the Rockford road, hollow road, railroad and Danbury road forty-eight and one-half ( $48\frac{1}{2}$ ) chains to a pile of rock in a field east of Mr. Boyd's house; thence north thirty-nine (39) chains to a stake in a field; thence north 80 degrees west, crossing the railroad and hollow road fifty and one-half ( $50\frac{1}{2}$ ) chains to the beginning.

SEC. 3. That the officers of said town shall consist of a Mayor Officers. and three Commissioners, who shall be elected on the first Monday of May next, and hold their offices for one year and until their Election and term of office. successors shall have been duly elected and qualified; and until the said officers are elected E. W. Cullum shall fill the office of Mayor, and Levi Watson, William A. Sullivan and William J. Edwards shall act as Commissioners.

SEC. 4. That in addition to the rights, franchises and immunities Chapter 62, vol. 2 of Code applicable. conferred by the foregoing sections on the town of Pinnacle, it shall have all the powers and privileges contained in chapter sixty-two (62) of volume two of The Code of North Carolina.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.

## CHAPTER 103.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS FOR THE TOWN OF CONCORD TO ISSUE BONDS," RATIFIED THE 25TH DAY OF JANUARY, A. D. 1901.

*The General Assembly of North Carolina do enact:*

Maximum amount  
of bond issue  
raised.

SECTION 1. That the act entitled "An act to authorize the Commissioners for the town of Concord to issue bonds," ratified the 25th day of January, A. D. 1901, be and the same is hereby amended as follows: Strike out the words and figures "one hundred and twenty-five thousand (\$125,000) dollars" whenever they appear in said act and insert in lieu thereof the words and figures "one hundred and fifty thousand (\$150,000) dollars." Strike out all of section two (2) after the word "viz." and insert instead thereof the words and figures: "First, twenty-five thousand (\$25,000) dollars shall be paid to the Graded School Board of said town, to be disbursed by them for such school purposes as they may deem proper; second, to the payment of all the present debts of said town, except such as are evidenced by bonds heretofore issued; third, to the purchase of the present system of water-works or plant in said town, under such contract as said Commissioners have made or may make with the Concord Water-works Company, not exceeding the sum of nine thousand (\$9,000) dollars; fourth, to improving said plant or water-works, or to the erection and equipment of a new plant or system of water-works, and to the erection and equipment of a sewerage system; fifth, the balance, if any, to improving the sidewalks in said town. And for improving said plant or water-works, or for the erection and equipment of a new plant or system of water-works, said Commissioners may, from time to time credit to the account of the Board of Water Commissioners for the town of Concord, created by an act ratified the 22d day of January, A. D. 1901, such funds as said Commissioners for the town of Concord may deem necessary, which fund said Board of Water Commissioners is empowered and authorized to disburse for said purpose. Insert between the words "town" and "at," in section three (3), the words "or the Chase National Bank, or the Hanover National Bank, of New York City."

Uses of funds  
derived from  
bonds.

Power of town  
commissioners to  
use proceeds for  
water-works.

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

In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1901.



## CHAPTER 104.

## AN ACT TO INCORPORATE THE SNOW HILL BANKING AND TRUST COMPANY OF SNOW HILL, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Josiah Exum, W. H. Dail, Joseph E. Grimsley, Corporators. B. W. Edwards and L. V. Morrill, their associates, successors and assigns are hereby constituted and declared a body politic and corporate, by the name and style of "The Snow Hill Banking and Trust Company" of Snow Hill, North Carolina, with its principal place of business in the town of Snow Hill; and by that name may sue and be sued, plead and be impleaded in any court of the State, and have a continual succession for the term of sixty (60) years, with all the rights, powers and privileges of corporations and banks under the general laws of the State.

SEC. 2. The capital stock of said corporation shall not be less than ten thousand dollars, in shares of one hundred dollars each, such capital stock may be increased from time to time as said corporation may elect, to a sum not exceeding one hundred thousand dollars.

SEC. 3. That corporators named in the first section hereof, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation, at such time or times, at such places and for such periods as they shall determine, and the stockholders, at any general meeting called after the organization of said corporation, may at their discretion, from time to time re-open books of subscription to said capital stock until the same, as herein limited, be wholly taken.

SEC. 4. Whenever ten thousand dollars shall be subscribed and one-half thereof paid into the capital stock of said corporation, the above named corporators or a majority of them shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient to organize said corporation; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year, and until their successors shall be elected and qualified, and said directors shall elect a president, a vice-president and a cashier to serve during their continuance in office. The remaining one-half of the subscribed capital shall be paid as called for by the 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 not otherwise provided for, and fix the compensation of all the officers and employees of the corporation; shall have and exercise all such powers and authority as may be necessary for governing the affairs of said corporation.

and may prescribe rules for the conduct of said corporation consistent with the by-laws established by the stockholders. The said corporation may do a general banking business, and exercise all powers, rights and privileges conferred by the public laws of this State on banks and corporations, especially those set forth in chapter four, volume two of The Code; may loan money at such rates of interest, not exceeding the legal rate, as may be agreed upon; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money and take as security for the repayment of the same mortgages on real estate or personal property or both; may negotiate loans on mortgages or other security, and for such service may charge and collect such brokerage or commission as may be agreed upon. At all meetings of the stockholders of said corporation holders of stock may be represented by proxy, and each share shall be entitled to one vote.

Stockholders may be represented by proxy.  
Share vote.

Corporate powers.

As to real estate and personal property sold as security.

SEC. 6. That said corporation may purchase and hold all such real estate and personal property as may be necessary for its own business purposes, and such as may be conveyed to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation or held by said corporation as collateral, or otherwise, or sold under execution or order of any court to satisfy any debt due to it, and may sell and convey or exchange the same at pleasure, and use or re-invest the proceeds thereof as may by it be deemed best.

Deposits of minors and *feme covert*s, how managed.

SEC. 7. That when any deposit shall be made by any person, being a minor or *feme covert*, the said corporation shall pay to such minor, or *feme covert* such sums as may be due to him or her, and the receipts or acquittance of such minor or *feme covert* shall be, to all intents and purposes, valid in law to fully discharge the said corporation from any and all liability therefor.

Subscriber failing to pay for stock, effect and procedure.

SEC. 8. 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 ordinary civil action; or the entire stock of such delinquent may be sold by order of the directors for cash, in the town of Snow Hill, N. C., after advertising such sale for ten days in some newspaper published in said town, if there be one, and if there be none, then by a notice posted for ten days at the court-house door in Snow Hill, N. C.; and if the proceeds of such sale shall not be sufficient to discharge the amount unpaid, with all costs of such sale, the delinquent shall be liable for all deficiency in a civil action.

Assignment of stock before full payment, effect and procedure.

SEC. 9. If any subscriber shall assign his stock before its full payment, he and his assignee, and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally. In every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the said corporation,

as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

SEC. 10. That said company may receive and pay out all lawful currency, with full power of circulating currency of its own issue, under all the rights and privileges and under such restrictions as may be imposed by the laws of this State or the laws of the United States as to currency of State banks. Corporate powers.

SEC. 11. *And be it further enacted,* That the said corporation be and the same is hereby authorized to accept and execute as fully as a natural person, trusts of any and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, bodies corporate or politic, or by any court in the State of North Carolina, or in any one of the United States, or by the courts of the United States, and to accept the office and appointment of executors or administrators of any kind or nature, whenever such office or appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of this State or any one of the United States; and that in all cases where applications shall be made to any court of this State for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minors or committee of a lunatic, it shall and may be lawful for the said court to appoint the said corporation, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and the accounts of said corporation as such receiver, administrator, executor, assignee, guardian or committee shall be regularly settled before the court making such appointment; and upon such settlement and adjustment all proper legal and customary charges, costs and expenses shall be allowed to said corporation for its care and management of the trusts and estates aforesaid, in accordance with the practice of the court so appointing in the case of natural persons when so appointed; and the said corporation, as such receiver, trustee, administrator, executor, assignee, guardian or committee shall be subject to all lawful orders or decrees made by the said court. May act as trustee.  
Powers and duties as such.  
May act as administrator's executor.  
May act as receiver, trustee, administrator, executor, assignee, guardian, committee of lunacy.

SEC. 12. *And be it further enacted,* That the said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock or evidences of indebtedness, deeds or muniments of title or other valuable papers of any kind or any other articles or thing whatsoever which may be left or deposited for safe-keeping with said corporation; and it may and shall be lawful for any courts of this State, into which moneys, stocks, bonds or other property may be paid or deposited by agreement of parties, order, decree or judgment of said court, to order and direct the same to be deposited with said corporation; and it shall be entitled to charge such commission or compensation therefor as May receive particular deposits.  
May receive court deposits.

Power to construct fire and burglar-proof buildings, etc.      may be agreed upon; and for the complete preservation and safe-keeping thereof it may construct, erect, purchase or lease such fire and burglar-proof buildings, vaults, iron and composition safes or other buildings or means which may be or become necessary, and generally transact and perform all the business relating to such deposit and safe-keeping or preservation of all such articles or valuables as may be deposited with it.

Security for acting as fiduciary and for court deposits.      SEC. 13. *And be it further enacted*, That when any court shall appoint the said corporation a receiver, trustee, administrator, executor, assignee, guardian or committee, or shall order the deposit of money, or other valuables of any kind, with said corporation, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance of its duties: *Provided*, the said court shall not deem it necessary to require further security, and the said corporation shall be absolutely liable in case of any default whatever. and the court if it deem it necessary may, from time to time, appoint suitable persons to investigate the affairs and management of said corporation, who shall report to the court the result of their investigations, and the expenses of such investigations shall be defrayed by said corporation, or the court may, if it deem necessary, examine the officers of said corporation under oath or affirmation as to the condition of said corporation and the character of its investments.

Investigation of affairs, etc., of corporation.      SEC. 14. *And be it further enacted*, That an executor, administrator or other trustee or public officer, having control of any bonds, stocks, security, moneys or other valuables belonging to others, shall be and is hereby authorized to deposit the same for safe-keeping with the said corporation; that in all cases in which public officers, municipal or private corporations are authorized to deposit money, stocks, bonds or evidences of debt, such deposit by such officers or corporations may be made with said corporation.

Fiduciaries and officers may deposit with corporation, etc.      SEC. 15. *And be it further enacted*, That the said corporation shall have power to receive and hold on deposit, and in trust, and as security, estates, real, personal and mixed, including money, notes, bonds and obligations of States, companies, corporations and individuals, and the same to purchase, collect and adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between it and the parties contracting with it.

May become security on bonds.

Powers, duties, liabilities, responsibilities, etc., as such.      SEC. 16. *And be it further enacted*, That the said corporation shall be and is hereby authorized and empowered to insure the fidelity of persons holding places of trust or responsibility of any State, corporation, company, person or persons whatsoever, to indorse and become security for the faithful performance of any trust, office, duty, contract or agreement, and to supercede any judgment or become surety upon any bond for appeal from any order, judgment or decree of any court of record or justice of the peace; and it is further authorized to become sole surety in all cases, where by law

two or more sureties are required, for the faithful performance of any trust of office, and it shall and may be lawful for any court to approve said corporation as sole surety in all such cases, and in every such case the capital stock of said corporation shall be taken and considered as sufficient security therefor; but in all such cases the affairs and effects of said corporation shall be subject to an examination if the court shall deem it necessary; and the said court may examine under oath the officers of said corporation in relation to the affairs, property and effects of said corporation; and it shall be lawful for said corporation to stipulate and provide for indemnity from the parties aforesaid, for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge or other security made or given for that purpose, and to charge for all such services as are hereinbefore enumerated such compensation as may be agreed upon.

SEC. 17. *And be it further enacted*, That said corporation shall have power to guarantee, indorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, rents, accounts, claims, annuities, mortgages, choses in action, evidences of debt, certificates of property or value, checks and titles to property, real and personal indebtedness of companies, partnerships, loans of cities, counties and municipalities on such terms and commissions as may be agreed upon and established by said corporation and the parties dealing therewith; to act as the fiscal or transfer agent of any State, municipality, body politic or corporation, and in such capacity to receive and disburse money, and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

SEC. 18. *And be it furthermore enacted*, That the stockholders of said corporation, their successors and assigns shall not be in any-  
Individual liability.wise liable or responsible for any debts, obligations, contracts or torts of said corporation beyond the amount subscribed by such stockholder or stockholders to the capital stock of said corporation.

SEC. 19. All laws and clauses of laws in conflict with this act  
Conflicting laws repealed.are hereby repealed.

SEC. 20 That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

## CHAPTER 105.

## AN ACT TO ALLOW THE TOWN COMMISSIONERS OF THE TOWN OF BEAUFORT TO LEVY A SPECIAL TAX TO PURCHASE CEMETERIES.

*The General Assembly of North Carolina do enact:*

Town commissioners of Beaufort allowed to purchase interest in cemeteries.

SECTION 1. That the Town Commissioners of the town of Beaufort are authorized to purchase an undivided interest in the lands of the Beaufort Cemetery Association, a corporation, lying and being outside the town of Beaufort, adjoining the corporate limits of said town on the east, and also to purchase an undivided interest in the colored cemetery, adjoining the grounds of the said Beaufort Cemetery Association on the east and lying just outside the corporate limits of the town of Beaufort, provided the said Town Commissioners shall not expend an amount exceeding \$1,200 for the purchase of said lands.

Maximum amount of purchase price.

How said expenditure apportioned.

SEC. 2. That two-thirds of such sum shall be expended in the purchase of interest in the said Beaufort Cemetery Association, and one-third of the said sum shall be expended in the purchase of an interest in the said colored cemetery as aforesaid, and the interest of the said town of Beaufort, when said lands are purchased in said cemeteries, shall be governed and controlled by the rules and regulations of the said Cemetery Association.

When interest purchased, how controlled.

Town commissioners authorized to levy special tax.

SEC. 3. That for the purpose of raising the said funds, the Town Commissioners of the said town of Beaufort are hereby authorized and empowered to levy a special tax each year for four consecutive years not to exceed twelve cents (12 cents) on the \$100 valuation of property in said town of Beaufort, and 36 cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making said levies.

Maximum amount of tax.

How levied, collected and accounted for.

SEC. 4. That said tax shall be levied and shall be collected and accounted for by the Tax-collector of said town in the same manner, at the same time and under the same rules and penalties as prescribed for the collection of other taxes in said town.

Question first submitted to qualified voters.

SEC. 5. That before said special tax shall be levied as above provided, the question shall be submitted to a vote of the qualified voters of the said town and the majority of the votes cast at said election shall be in favor of levying of said tax.

Notice of election.

SEC. 6. That notice of said election shall be given by the Mayor of the said town of Beaufort within thirty days after the passage of this act, by advertising at four or more public places within the town, in which notice shall be stated the time and places fixed by the Board of Town Commissioners for opening the registration books and registering voters. At said election those who favor the

tax shall vote on a written or printed ballot "For Tax"; and those Form of ballots. who oppose it shall vote on a like ballot "Against Tax."

SEC. 7. That the Board of Town Commissioners shall appoint a Registrar and registrar and three inspectors of election for the town, who shall inspectors. conduct the election in accordance with the provisions of the charter Election, how of said town relating to election of municipal officers as near as may conducted. be, except as hereinafter provided.

SEC. 8. That said registrars and inspectors shall be notified of Registrar and their appointment by the Town Clerk and shall be sworn by the inspectors to be Mayor. Within three days after the election they shall file with notified and sworn. the Town Clerk a written statement of the result of the election, Result to be filed duly certified under their hands, which shall be recorded by the and certified. Clerk in minutes of the board.

SEC. 9. The board shall cause books for the registration of voters Registration to be furnished to the registrars, which shall be deposited with the books. Town Clerk by the registrars at the time of filing with him their statement of the result of the election.

SEC. 10. The registrars shall open the books of registration at When to register. the time and places designated by the board, and shall keep them open for the registration of voters three Saturdays next preceding the day of election, and on the Saturday next preceding the day of election the books shall be closed at the hour of 12 o'clock m., and no person shall be permitted to register thereafter, unless he shall have become qualified to vote and entitled to register since the said time.

SEC. 11. That the provisions of this act regarding the holding of This act to apply election shall apply to all future special elections held by said to special elections only. town, but this section shall not be construed to refer to or include any election for town or municipal officers.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1901.

#### CHAPTER 106.

#### AN ACT TO INCORPORATE THE TUCKASEEGEE HIGH SCHOOL, JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John E. Tritt, J. M. Wike, Porter S. Jacobs, Corporators. John W. Hooper, V. F. Brown, J. H. Parker, A. C. Queen, C. L. Hooper, John A. Hooper, H. Moses, L. B. Hooper, P. N. Price, T. J. Powell, T. L. Hooper and J. H. Pointer, and their associates and their successors are hereby created a body corporate and politic by Incorporation.

Corporate name.	the name and style of the Tuckaseegee High School, for the purpose of maintaining a non-sectarian school for males and females in Jackson county, North Carolina, and by such name may acquire, hold and convey real and personal estate; may sue and be sued, plead and be impleaded, in any of the courts of this State; may contract and be contracted with, and enjoy any and every right and privilege incidental and belonging to corporation bodies according to the laws of this State.
Corporate purposes.	
Corporate powers.	
Officers.	SEC. 2. The officers of this corporation shall be a president, and a vice-president, and secretary, and a treasurer, to be elected from among themselves annually in the manner hereinafter provided. The first election under this section shall be held on the 1st day of March, 1901, or as soon thereafter as practicable, and the officers then elected shall hold their offices until their successors shall have been elected.
First election.	
Term of office.	
Trustees, division, and election and terms of office of each class.	SEC. 3. That the trustees shall be divided into three classes, viz.: The first class, consisting of J. H. Pointer, J. H. Parker, P. N. Price, Porter S. Jacobs and John W. Hooper, shall hold one year from March 1st, 1901. The second class, consisting of J. E. Tritt, A. C. Queen, H. Moses, F. J. Powell and T. L. Hooper, shall hold two years from March 1st, 1901. The third class, consisting of J. M. Wike, V. F. Brown, C. L. Hooper, John A. Hooper and L. B. Hooper, shall hold three years from March 1st, 1901.
Subsequent elections.	SEC. 4. That the remaining members of said trustees shall elect successors to the various classes at the expiration of the terms as classified in section 3 of this act.
Powers of trustees.	SEC. 5. That at their regular meetings the trustees 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.
Individual liability.	SEC. 6. That the trustees of this corporation shall not be individually liable, only their <i>pro rata</i> parts, for any debts contracted by the corporation.
Corporate limits.	SEC. 7. That the corporate limits of said school shall be three miles each way from said High School, 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 school. Any person violating the provisions of this act shall be guilty of a misdemeanor.
Unlawful to manufacture or dispose of intoxicating liquors in corporate limits.	SEC. 8. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.



## CHAPTER 107.

AN ACT TO INCORPORATE OASIS TEMPLE, ANCIENT ARABIC  
ORDER NOBLES OF THE MYSTIC SHRINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Walter S. Liddell, DeWitt E. Allen, James F. Robertson, Thomas S. Franklin, George A. Page, David G. Maxwell, Thomas R. Robertson and Heriot Clarkson, officers and members of Oasis Temple, Ancient Arabic Order Nobles of the Mystic Shrine, located in the city of Charlotte, State of North Carolina, and their associates and successors be and they are hereby created a body politic and corporate under the name and title of "Oasis Temple, Corporate name. Ancient Arabic Order Nobles of the Mystic Shrine."

SEC. 2. That by and under 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 Temple or its members and the widows and orphans of its members, and shall have all such other rights and privileges as are incident to such corporations.

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

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

## CHAPTER 108.

AN ACT TO INCORPORATE THE "DUPLIN AND ONSLOW  
RAILWAY COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. A. Arrington, John F. Steves, Bradley L. Eaton, C. O. Byerly, H. C. Barnard, and such other persons as may be associated with them, and their successors and assigns, be and they are hereby created a body corporate by the name of the "Duplin and Onslow Railway Company," which shall have power to sue and be sued, plead and be impleaded, to adopt a common seal and change the same at will, and shall enjoy all the powers, rights and privi-

leges of other like corporations under existing laws as those herein-after enacted.

**Capital stock.** SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and  
**Shares.** all subscriptions to the capital stock may be paid in money, labor,  
**How paid.** land, materials or other things of value as may be agreed upon between the company and the subscribers of said company; and the shareholders of said company may from time to time increase the capital stock to an amount, deemed requisite for the best interest of the company. In all stockholders' meetings each share shall entitle the owner to one vote.

**Increase of capital stock.** SEC. 3. Books of subscription may be opened by any three of the  
**Share vote.** incorporators hereinbefore named, at such times and places as they may appoint, and after ten per cent. of the capital stock has been subscribed, and five per cent. of such subscriptions paid in, then the stockholders may organize said company by the election of a board of directors, to consist of not less than five members, and said directors shall elect one of their own body as president of the company.

**Books of sub-  
scription.** SEC. 4. The said company shall have power to make such by-laws and regulations, consistent with the laws of the State, for its own  
**When to organize.** proper government, as it may see fit; to fix the number of directors, not less than five; to provide for their election and to provide  
**Directors.** for the election of president and such other officers as it may desire, and define their powers and duties. The principal office of the company shall be in the city of Wilmington.  
**President.**

**Power to make by-laws.** SEC. 5. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, signed by the president and secretary of said company, and authenticated by its seal, and such certificates shall be transferable in such manner as may be prescribed by the by-laws of the company.

**Fix number and elect directors.** SEC. 6. The said company is hereby authorized to construct, equip and operate a railroad of any gauge it may choose from some point on the Wilmington and Weldon Railroad, in Duplin county, to any point or points in said county or in the counties of Onslow, Lenoir, Jones or Craven, as it may see fit; and also to construct, equip and operate branches to the said railroad in any direction, said branches not to exceed twenty-five miles in length. The said company shall have power to cross other railroads at grade and connect with any railroad now or hereafter chartered and built; to purchase or consolidate with any such railroad under any corporate name that the parties interested may choose, and the said company shall have full power to dispose of by sale, lease or otherwise the said railroad and all other property of the company, or any part thereof, and remove the same at will.

**Provide for and define powers of other officers.**

**Certificates of stock.**

**Corporate powers as to constructing, equipping, operating, connecting with, purchasing and selling to railroads.** ✓

SEC. 7. The said company is hereby authorized to build and operate telegraph and telephone lines upon its road or any part thereof; and to dispose of by sale, lease or otherwise, or remove the same whenever the operation of them or either of them becomes unprofitable.

Telegraph and  
telephone lines.

SEC. 8. For the purpose of obtaining rights of way and depot stations for said railroad the company is authorized to acquire by purchase such lands along its lines as it may need; and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have a right to require a title in fee-simple by condemnation proceedings as prescribed in chapter forty-nine of The Code of North Carolina.

Power to acquire  
land.

SEC. 9. The said company shall have exclusive right to carry and transport freight and passengers over and along said railroad and upon vessels and boats run in connection therewith at such rates as the company may prescribe, subject to law.

Transportation  
rights.

SEC. 10. The said company is empowered to purchase, build, own and operate lumber mills; to conduct a general lumber business in all its branches; to acquire, own and operate steam and other vessels for water transportation; to purchase lands and timber and such personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property, both real and personal, may be acquired, held, used and disposed of at the discretion of the company in any manner not inconsistent with law.

Rights to engage  
in other business.

SEC. 11. The said company is empowered to borrow money for the construction, maintenance and operation of said railroad and other enterprises hereby authorized, and issue bonds therefor, and to execute and deliver mortgages and deeds of trust upon the franchise and property of the company to secure the payment of said bonds.

Power to borrow  
money and secure  
the same.

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

Conflicting laws  
repealed.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 109.

### AN ACT TO INCORPORATE THE TOWN OF SPENCER, IN ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the present town of Spencer, in the county of Rowan, is hereby created a body politic and corporate by the name and style of "The Town of Spencer," and shall be, as such incor-

Corporate name.

Corporate rights  
and powers.

poration, subject to all the provisions and have all the rights and privileges contained in chapter 62 of The Code and in the Constitution and laws of the State of North Carolina and amendments thereto, in reference to municipal corporations, as the same may now exist, except as they may be in conflict with, or modified by, the provisions of this act.

## Corporate limits.

SEC. 2. That the corporate limits of the said town of Spencer shall embrace all the territory circumscribed by the following lines, to-wit: Beginning at the point of intersection of the southerly boundary line of Salisbury avenue with the easterly boundary line of First street and running thence (1) north 28 degrees no minutes west 3400 feet to a point; thence (2) south 57 degrees 30 minutes west 4868 feet to the westerly boundary line of Twelfth street, if the same was extended; thence (3) south 32 degrees 30 minutes east 3380 feet to the northerly side of Salisbury avenue; thence (4) south 66 degrees 20 minutes west along the northerly boundary line of Salisbury avenue 640 feet to a point; thence (5) south 20 degrees 15 minutes west 965 feet to the northerly edge of the right of way of the North Carolina Railroad Company; thence (6) north 57 degrees 30 minutes east 590 feet with and parallel to the northerly edge of the right of way of the North Carolina Railroad Company to the point of turning where Lexington avenue leaves the right of way; thence (7) north 35 degrees 21 minutes east 1385 feet along the southerly side of Lexington avenue to the point of intersection of Salisbury avenue; thence (8) north 36 degrees 50 minutes east 1160 feet along the southerly boundary line of Salisbury avenue to a point; thence (9) north 57 degrees 30 minutes east 2710 feet along the said southerly boundary line of Salisbury avenue to the point of beginning.

Restriction of  
corporate limits.

SEC. 3. The said corporate limits as above defined shall not be extended south or east of the southerly and easterly boundary line of Salisbury avenue, except as is included in above specified limits.

Municipal gov-  
ernment.

SEC. 4. That the municipal government of the said town of Spencer shall be by a Town Council, which shall consist of a Mayor, who shall be the presiding officer thereof, a Board of Aldermen, consisting of four members; and the said Town Council, after the qualification of said Mayor and Board of Aldermen, as required by law, may elect a Town Marshal, who shall be Chief of Police and Tax-collector, and another officer to be called Secretary and Treasurer.

Present municipal  
officers.

SEC. 5. That until the election hereinafter provided for, the Mayor and Aldermen and other officers of the said town of Spencer, as required in the foregoing section of this act, shall be as follows: Mayor, W. G. Anderson; Aldermen, J. W. Young, B. F. Lively, W. T. Klutz, W. P. Campbell; Secretary and Treasurer, D. J. Miller; Tax-collector and Town Marshal, James Dorsett, who shall hold their respective offices until their successors are elected and qualified. The Mayor and Aldermen, after taking the oath prescribed by law,

## Term of office.

are directed to require of the officers such bond, payable to the town. Officers' bonds. for the faithful performance of their several duties, as to the said Mayor and Aldermen may seem just and reasonable.

SEC. 6. The tenure of office of said Mayor and Tax-collector and Term of office. of said Aldermen shall be three years, until their successors are elected and qualified, as hereinafter provided.

SEC. 7. That there shall be held on the first Monday in May, 1904, Election of officers. and every three years thereafter, at a permanent polling place in said town, to be established by ordinance, an election for Mayor and Aldermen, who shall hold office until their successors are elected and Term of office. qualified.

SEC. 8. That after the town election aforesaid the Town Marshal Election of town marshal. shall be elected by the Mayor, with the concurrence of the said Board of Aldermen, or a majority of them; and shall be removable from office at the discretion of the Mayor.

SEC. 9. That any qualified elector in this State shall be eligible Eligibility to office. as Mayor or Alderman: *Provided*, he shall have resided within the corporate limits of said town for six month next preceding the day of election.

SEC. 10. That all persons entitled to vote in the county of Rowan Qualifications of electors. for members of the General Assembly, and who shall have been *bona fide* residents of the town of Spencer for 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. 11. That the fire limits of the said town of Spencer, unless Fire limits. otherwise determined by ordinance, shall be within and extend to the east line of Twelfth street from the north side of Salisbury avenue, along Carolina avenue east of First street, along the west side of First street north to the north side of Salisbury avenue, and along Salisbury avenue west to the east line of Twelfth street.

SEC. 12. That the width of all the streets not already established Width of streets and alleys. within the corporate limits of said town of Spencer shall be uniformly sixty feet, and of all alleys not already opened uniformly ten feet, except as otherwise determined by ordinance.

SEC. 13. The tract or square now reserved for and used as a Town park. park in said town of Spencer, and bounded by Yadkin avenue, Fourth street, Salisbury avenue and Fifth street, shall be forever subject to the disposition and control of the present owner thereof, or its successors and assigns, and also as long as the same shall be used for park purposes, shall be free from all taxes and special assessments imposed by the said town of Spencer.

SEC. 14. That no spirituous, vinous, malt or intoxicant liquors of Prohibition. any kind shall be manufactured or sold within the corporate limits of the said town of Spencer, and the Mayor and Aldermen shall have

no right to issue or grant license to any person or persons to manufacture or sell the same.

Manufacture or sale of intoxicating liquors a misdemeanor.

SEC. 15. Any person convicted of manufacturing or selling spirituous, vinous, malt or intoxicating liquors of any quantity within the corporate limits of the said town of Spencer shall be guilty of a misdemeanor.

Church and school property exempt from taxation.

SEC. 16. All property within said corporate limits of the town of Spencer which now or at any time hereafter may be used for church or public school purposes, shall be forever exempt from municipal taxation or special assessments by the said town of Spencer.

Circuses, when allowed to exhibit.

SEC. 17. No circus shall be allowed to exhibit within the corporate limits of the said town of Spencer, except by permission of the Mayor of said town, with the concurrence of the Board of Aldermen, or a majority of them, and if such permission shall be so granted a tax of not less than one hundred dollars shall be paid by any such circus so exhibiting within said corporate limits for each day or fraction of a day of such exhibition.

Tax levies.

SEC. 18. The Board of Aldermen shall at the time State and county taxes are levied, annually, levy an *ad valorem* tax on all property, real and personal, not exceeding fifty cents on every three hundred dollars (\$300) worth of property as assessed for State and county taxes and according to the same values as assessed for State and county taxes and shall place a *per capita* tax on every male residing within said town of Spencer liable to poll tax, as now provided by law, a tax of not exceeding fifty cents. The Board of Aldermen may also tax trades and professions now or hereafter taxed under the laws of the State.

Trades and professions taxable.

Adoption of ordinances.

SEC. 19. The Board of Aldermen may adopt such ordinances for the government of the town as in their judgment may seem necessary, not inconsistent with the Constitution and laws of North Carolina. The Mayor of said town may sentence persons violating the ordinances of said town to work the streets of said town, or the county roads of Rowan county, until the fine and costs are paid.

Punishment for violation.

SEC. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

## CHAPTER 110.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF SWEP-  
SONVILLE, IN ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 170 of the Private Laws of 1887, entitled Chapter 170, Pri-  
"An act to incorporate the town of Swepsonville, in the county of vate Laws 1887,  
Alamance," be and the same is hereby repealed. repealed.

SEC. 2. That this act shall be in force from and after its ratifica-  
tion.

In the General Assembly read three times, and ratified this the  
20th day of February, A. D. 1901.

## CHAPTER 111.

AN ACT TO INCORPORATE THE ELIZABETH CITY WATER  
COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporation of Elizabeth City be and is Elizabeth City  
hereby authorized and empowered to enter into a contract with the authorized to con-  
Elizabeth City Water Company for a period of thirty years, and tract with Eliza-  
is authorized and empowered to pledge the credit of the said cor- beth City Water  
poration of Elizabeth City to pay the installments with the Elizabeth Company for  
City Water Company for furnishing water to said corporation accord- furnishing water.  
ing to said contract.

SEC. 2. That the question of contract with the said town of Eliza- Contract to be  
beth City for the period of thirty years is hereby authorized to be submitted to  
submitted to the qualified voters of said town. qualified voters.

SEC. 3. That an election for this purpose shall be called and held When election  
at such time as the Commissioners or Aldermen of said Elizabeth held.  
City may direct, and in the same manner as is now provided for the  
election of Commissioners of said town. Those in favor of the con-  
tract shall vote a ticket having thereon the word "Contract," and  
those opposed shall vote a ticket having thereon "Against Contract." Form of ballots.

SEC. 4. That the poll-holders and registrars of election, on the Votes, when  
day after the same is held, shall count in their respective wards counted.  
and make an abstract of the votes cast and file the same with the Abstract filed.  
Board of Commissioners or Aldermen of Elizabeth City at its first  
regular meeting after said election, at which time said board shall  
examine the returns made to them as aforesaid and decide the result  
of the election. If it shall appear that a majority of the qualified  
voters of the town shall have voted in favor of the contract, then  
Examination of  
returns.

If authorized by majority of qualified voters, commissioners to contract.

To levy special tax.

Amount.

said Board of Commissioners or Aldermen shall be authorized and empowered to enter into a contract with said company, and the payment under said contract for water shall be good and binding on the said town of Elizabeth City.

SEC. 5. That in order to meet the payments of the installments of the said contract the Commissioners or Aldermen are hereby authorized and empowered to levy and collect each year a special tax not to exceed ten cents on \$100 of assessed valuation of the property, real, personal, choses in action and solvent credits, within the corporate limits of the said town, and not to exceed thirty cents on each taxable poll.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 112.

### AN ACT TO INCORPORATE THE TOWN OF BUSHNELL, SWAIN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Town of Bushnell incorporated.

SECTION 1. That the town of Bushnell, Swain county, North Carolina, be and the same is hereby incorporated under the name and style of Town of Bushnell, and shall be subject to all the provisions contained in The Code of North Carolina and acts amendatory thereto for incorporated towns; also subject to the general law in relation to municipal corporations.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: One-half mile from the depot in all directions.

Officers.

SEC. 3. That the officers of said town shall consist of a Mayor, three Commissioners and a Marshal.

Elections, when held.

SEC. 4. That the first regular election for Mayor, Commissioners and Marshal shall be held on the first Thursday in May, nineteen hundred and one, and every year thereafter, and it shall be the duty of the sheriff of Swain county, or some justice of the peace in said county, after giving ten days' notice by advertising at three or more public places in said corporation prior to the said first Thursday in May, nineteen hundred and one, to open the polls and conduct the election herein provided for under the same restrictions and regulations that the other State and county elections are held: *Provided*, that the elections held hereafter under the provisions of this charter shall be subject to the control of the Commissioners of said town: *Provided further*, that the following officers nominated and appointed under this act shall duly exercise the duty of said officers from the ratifica-

Elections, how held.

Proviso.



tion hereof until the said election shall have been held, to-wit: Present officers, P. M. Thomason, Mayor; J. C. Welch, J. H. Dorsey, W. C. Welch, Commissioners; E. C. Monteith, Marshal.

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 in said election. Qualifications of electors.

SEC. 6. It shall be the duty of the Commissioners, Mayor and Marshal-elect to meet, take the oath of office and organize. Organization.

SEC. 7. That the Commissioners shall have power to levy and collect tax not to exceed sixty cents on the poll and twenty cents on the hundred dollars worth of all personal and real property in the said town. Taxes.

SEC. 8. When it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the Town Marshal shall have power, and it shall be the duty of such Marshal, to arrest the body of offending parties who have violated the law in the presence of said Marshal, without warrant, and take such person or persons before the Mayor of said town as early as practicable, to be dealt with as the law directs; and for every resistance to such authority by such offenders or others the party so resisting shall be punished as the ordinance of said town shall provide; and if necessary, the Marshal shall have power to call to his aid or assistance any by-standers to assist him in any legal arrest, and any one so summoned or called who refuses or fails to assist in making such arrest or arrests, shall upon conviction before the Mayor be punished as the ordinance of said town shall prescribe. When marshal may arrest without warrant.  
Penalty for resistance.  
Power to call to his aid by-standers.  
Penalty for refusal.

SEC. 9. That the Commissioners shall also have power to abate all nuisances and impose such fines and penalties as may be necessary to abate them. They shall also have power to prescribe any rules, regulations and ordinances for the good government of the town not inconsistent with the laws of the State or of the United States. Powers of commissioners; to abate nuisances.  
Make ordinances.

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; also to appoint a treasurer who shall enter into a bond approved by the Commissioners, and it also shall be their duty to require the Marshal to enter into a bond, payable to the State of North Carolina, to the use of the town of Bushnell, conditioned for the faithful performance of his duties, approved by the Commissioners. Secretary, his duties.  
Treasurer, his duties.  
Official bonds.

SEC. 11. That the sale for intoxicating drinks in said town shall be and the same is hereby forbidden. Prohibition.

SEC. 12. That the Commissioners shall have power to apply the taxes collected under this act, together with all fines and forfeitures for the violation of the town ordinances, to the improvement of the Application of taxes, fines, etc.

public streets or other public improvements in said town, as they may deem necessary.

Compensation of officers.

SEC. 13. That the officers of said town shall receive such compensation for their service as the Mayor and Commissioners of said town in their discretion shall authorize.

In absence of mayor, chairman of board of commissioners to act. Marshal may appoint deputies.

SEC. 14. That in the absence or disability of the Mayor the chairman of the Board of Commissioners shall act in his stead, and furthermore, that the Marshal of said town shall have power and authority to appoint one or more deputies to assist him from time to time, whenever he may deem it necessary for the public interest.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

CHAPTER 113.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HARNETT COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A PUBLIC BRIDGE ACROSS THE CAPE FEAR RIVER IN SAID COUNTY, AND TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

Harnett county commissioners authorized to issue bonds to build bridge.

SECTION 1. That for the special purpose of building a public bridge across the Cape Fear river, near the town of Lillington, in the county of Harnett, the Board of Commissioners of said county are hereby authorized and empowered to issue bonds in the name of Harnett county to an amount not exceeding twelve thousand dollars, in denominations of not less than one hundred dollars nor more than five hundred dollars, with interest coupons attached, calling for interest at a rate not exceeding six per centum per annum upon the principal of each bond, which coupons shall be made payable annually on the first day of January of each year, at such place or places as the Board of Commissioners may designate; such bonds to be due and payable at such time or times, not exceeding twenty years from their date, and at such place or places as the said Board of Commissioners may prescribe; all of which bonds shall be signed by the chairman of the Board of Commissioners, countersigned by the Clerk of said Board, and shall have affixed thereto the seal of said county.

Amount.

Denominations.

Interest.

Bonds, when due.

How executed.

How disposed of. Price.

Use of proceeds restricted.

SEC. 2. That none of the bonds authorized by this act shall be disposed of by sale, hypothecation, exchange or otherwise for a less price than the face value thereof; nor shall the proceeds thereof be used for any other purpose than that declared in the first section

of this act. When said bonds are issued they shall be numbered consecutively and the coupons attached thereto shall each bear the number of the bond to which it is attached. The bonds and the coupons shall state upon their face when they are due and where payable, and said bonds shall show by what authority they are issued. The Board of Commissioners shall have all of their proceedings in respect to said bonds recorded in the minutes of their meetings, and when any of said bonds are issued the number of the bond, date of issue and the number of coupons attached shall be recorded in said minutes.

Bonds numbered.  
What bonds shall state.

Commissioners' proceedings to be recorded.

Record of bonds to be kept.

SEC. 3. That for the special purpose of paying interest on said bonds as it accrues, and the principal thereof at maturity, the Board of Commissioners of said county shall, at the time of levying other taxes, and annually until the principal and interest of said bonds are fully paid, levy a sufficient special tax on all taxable property, real and personal, and on all taxable polls, said tax not to exceed fifteen cents on the one hundred dollars valuation of property nor forty-five cents on each poll. Said taxes shall be collected at the same time and in the same manner as other taxes are collected, and shall be applied exclusively to the payment of the interest accruing on and the principal of said bonds at maturity, or when called in for payment.

Special tax authorized.

Amount.

How collected and applied.

SEC. 4. That whenever, after the payment of the costs of collection of said taxes and the interest accrued on the bonds issued, there shall be a surplus any year, the same shall be used in the purchase, at not a greater price than par value, of any of said bonds outstanding, and in case none of said bonds may be purchased, then said surplus shall be securely invested by the Board of Commissioners, until the maturity of said bonds, at such rate of interest as may be agreed upon.

Use of surplus tax, when it exceeds interest.

SEC. 5. That said coupons shall be receivable at their par value in payment of county taxes and all other county dues.

Coupons receivable for taxes.

SEC. 6. The said Board of Commissioners is hereby authorized and empowered to create a bridge committee composed of one or more persons, who shall be authorized to receive and disburse, under the order of the Board of Commissioners, all moneys arising from the sale of the bonds provided by this act, to superintend and approve the work upon said bridge as it progresses until the whole of the contract price has been paid to the person or company contracting to build said bridge; and any surplus which may remain to be invested by said committee as said board may direct. Before entering upon the duties herein provided for the member or members of said committee shall enter into a bond payable to the State of North Carolina in such amount as said board may require, conditioned that said committee shall faithfully perform all the duties incumbent upon it by reason of its creation and for the faithful ac-

Bridge committee.

Duties.

Members of committee to give bond.

Conditions of bond.

counting for all moneys and other effects which may come into its hands; the said committee to be paid such compensation for its services as may be agreed upon with said board.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 114.

### AN ACT TO AMEND THE CHARTER OF THE CAROLINA AND NORTHWESTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Power to acquire other railroads and their capital stock.

SECTION 1. The said Carolina and Northwestern Railway Company is hereby vested with full corporate power to acquire by purchase, lease or otherwise the railroad equipment, property and franchise of any other railroad now constructed, or that may hereafter be constructed in this State or elsewhere; said railway company shall also have like power to subscribe to or purchase, and thereafter hold and enjoy the capital stock, bonds or other securities of any other railroad corporation now in existence, or hereafter constructed or projected in this State or elsewhere; it shall be lawful for the said railway company to extend its railroad from Lenoir through either Watauga or Mitchell counties, or both, to the Tennessee boundary line, and it shall have power to locate and construct in this State, or elsewhere, all such branches and extensions as it may deem expedient. A copy of the resolution of a majority of the stockholders, authorizing any such branch or extension and defining the general route and termini thereof, duly certified under the corporate seal, shall be filed with the Secretary of State. In the construction of any such branch or extension and the acquisition of the right of way therefor, the said corporation shall have the right to use the eminent domain powers granted to it by the original act, to which this is an amendment. Said corporation shall have power to consolidate its railroad with any other railroad in this State or elsewhere: *Provided, however,* that said railway company shall have no power to purchase, lease or consolidate with a parallel or competing line of railroad. In order to increase its business and secure and extend its connections, full power is hereby vested in said corporation to enter into and perform all such traffic contracts with other railroad corporations and with steamship companies for the interchange of business as the directors may determine is for the

Power to extend the line to Tennessee.

Power to construct branch lines, etc.

Right of eminent domain.

Proviso as to parallel or competing lines.

Power of traffic arrangements.

best interest of the corporation: and it is hereby authorized, if necessary to secure the performance of such traffic agreements, to endorse or guarantee the bonds or other obligations of such other railroads or steamship companies.

SEC. 2. Said railway company shall have full power from time to time to increase its capital stock to such amount as may be fixed by its directors, in order to raise money to change the gauge of said railroad and properly complete and equip the same, and to acquire other railroads, or build extensions and branches and provide equipment therefor. Said company may divide such increased stock into classes, one of which shall have a preference in dividends and distribution of capital over the other. Said company shall have full power, in order to refund its present bonded debt and to borrow money to enable it to change the gauge of its road to standard width and complete the same and construct and acquire other railroads, extensions and branches and equip such railroads, extensions and branches, to issue its corporate bonds bearing interest at the rate of not exceeding five per cent., and secure the payment of the same by mortgage or trust deed on its railroad, made and to be made, and its equipment, property, income and franchises and all branches and extensions. Said company shall have power to issue and dispose of such bonds on such terms and conditions as to the board of directors may seem proper.

Increase of capital stock.

Powers connected with change of gauge.

SEC. 3. It shall be lawful for any county, township, city or town in which the present line of railroad, or any future extension or branches thereof, is located, to subscribe to the capital stock of such railway company such sum as a majority of the lawful voters may authorize the County Commissioners, or the proper authorities of such city or town, to subscribe. Such subscription shall be payable in bonds of the denomination of one hundred dollars each, shall bear five per cent. interest and be payable in such installments and at such times as the County Commissioners, or the proper authorities of such city or town, may determine, and shall be received by said railway company at par in payment of any such stock subscription.

Subscriptions to capital stock by counties, cities, townships or towns.

SEC. 4. For the purpose of determining the amount of said subscription it shall be the duty of the County Commissioners of the counties of Gaston, Lincoln, Caldwell, Catawba, Burke, Mitchell and Watauga, or either of them, upon the written application or petition of three hundred voters in any of the said counties, or of fifty voters in any township in any of the said counties, or any other county in which any part of said railroad, branch or extension is located, specifying the amount to be subscribed therein, to submit to the qualified voters of such county or township the question of "Subscription" or "No Subscription" to the capital stock of said railway company: and they shall have power to order an election, specifying the time, place and purpose of said election, and to appoint three

Provisions for certain counties to vote subscriptions to capital stock, and to hold elections therefor.

Notice, form of ballots, etc.

judges of election at each election precinct in said county or township, who shall, without compensation, hold and conduct said election, at which election the ballot shall have written or printed thereon either the word "Subscription" or "No Subscription," the said County Commissioners having first, by resolution of their board, fixed the amount proposed to be subscribed and the terms and conditions of such subscription in accordance with the petition submitted to them, and give notice of said election in a newspaper, published in the county in which the same is to be held, for forty days previous to said election. And the proper corporate authorities of any city or town in any of the said counties in which said railway, extension or branch is located, upon a like petition of fifty voters in such city or town, shall in like manner and after like notice, submit the question "Subscription" or "No Subscription" to the capital stock of said company to the qualified electors in said city or town, and declare the result as hereinafter directed in the cases of county or township election.

Returns of judges,  
count and declara-  
tion of result, etc.

SEC. 5. It shall be the duty of the judges of election to make returns and to meet at their respective court-houses or council chambers, as the case may be, and count the votes and declare the result as in other elections, which result shall be certified in writing by the chairman of each board of judges or canvassers of election to the chairman of the Board of County Commissioners, or to the city or town council, as the case may be.

If authorized by  
majority of quali-  
fied voters, authori-  
ties to make  
subscription in  
bonds.

SEC. 6. If the majority of the ballots cast at such election shall be "For Subscription," then the chairman of the Board of County Commissioners, in all cases of county or township election, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which may have been fixed and named in the resolution of said board and notice of election and published as aforesaid, which subscription shall be made in five per cent. bonds, as aforesaid, with interest payable annually; and if a majority of the ballots cast in any city or town election, as herein prescribed, shall be for subscription, in like manner the proper authorities of such city or town are authorized and required to subscribe in behalf of such city or town, as hereinbefore provided.

To pay principal  
and interest on  
bonds, authorities  
authorized to levy  
special tax.

SEC. 7. That for the payment of the interest on the said bonds and to provide a fund to pay or retire the principal thereof, according to the terms and conditions of said subscription, the said County Commissioners, and the said proper authorities of said city or town, as the case may be, are hereby authorized and empowered to levy and assess annually upon the taxable property of such county, township, city or town a tax of such percentum as may be necessary to pay the interest on said bonds and to pay or retire the principal thereof, as aforesaid, which shall be known and styled in the tax-

books as "Railway Tax," and shall be collected and paid out to the holders of said coupons or bonds by the same officers and under the same regulations as are now provided by law for the collection of taxes and the disbursement of the public funds in the said county, township, city or town, respectively, so subscribing.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 115.

### AN ACT AUTHORIZING THE SCHOOL COMMITTEE OF REIDSVILLE SCHOOL DISTRICT, REIDSVILLE, NORTH CAROLINA, TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. THAT WHEREAS, the committee of the public schools in Reidsville School District, Rockingham county, North Carolina, was by the General Assembly of 1887, chapter 424, made and declared a body corporate under the style and corporate name of "School Committee of Reidsville School District, Reidsville, North Carolina"; AND WHEREAS, to enable said corporation to accomplish those purposes and ends for which it was designed and created, it has become necessary and imperative that a suitable and proper school building be erected and equipped in said school district; Now, therefore, for the purpose of raising money to build, erect, construct and equip a suitable and proper building for the white school of Reidsville School District, in said district and county of Rockingham, the school committee of the said school district corporation as aforesaid is hereby authorized and empowered to issue bonds to an amount not exceeding fifteen thousand dollars (\$15,000), payable at such place as it may designate. Said bonds shall bear not exceeding six per cent. interest per annum, which interest shall be payable annually, and each bond shall have coupons attached thereto for the amount of interest due thereon for each year they have to run, and said coupons after their maturity shall be receivable in payment of school taxes in said school district, and if the holder of said bonds or coupons shall fail to present the same for payment at the time and place therein named he shall not be entitled to more than fifteen days' interest thereon for the time they have been outstanding after maturity. Said bonds shall be in denominations and forms as shall be determined upon by said corporation and shall mature and be made payable in not less than thirty nor more than fifty years from the date of their issue, and shall be signed by the chairman of said corporation and countersigned by its secretary, and said secretary

Preamble.

School committee of Reidsville authorized to issue bonds.

Amount.

Interest.

Coupons receivable for school taxes.

Interest after maturity.

Denomination, form and maturity of bonds.

How executed.

Record.	shall keep a record of the number and amount of each class of bonds issued, the date of issue, when the same matures and to whom payable.
Sale price.	SEC. 2. That said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any purpose other than the purpose mentioned in section one of this act.
Restricted use of proceeds.	
County commissioners to levy special tax.	SEC. 3. That for the purpose of providing for the payments of the annual interest on said bonds, as well as the redemption of the same at their maturity, the County Commissioners of Rockingham county shall annually, at the time of levying taxes for county and State purposes, levy and lay a special and particular tax on all persons, property and subjects of taxation which are now subject to taxation under the law for county and State purposes, or which hereafter by law may become so, sufficient to meet the annual accruing interest on said bonds. The taxes provided for in this section shall be collected by the sheriff of Rockingham county in the same manner and at the same time the county and State taxes are collected, and shall be accounted for and kept separate and apart from all other taxes collected by him, exclusively to the purpose for which they are collected, and it is further provided that after the expiration of five years from the issuance of said bonds or any part of them an additional special tax (if that be deemed expedient and desirable) may in like manner be levied, laid and collected each and every year, sufficient in amount to redeem, retire and take up each and every year five per cent. of said bonds issued and outstanding, otherwise all of them at maturity.
How collected and accounted for.	
Provision for levying a second special tax.	SEC. 4. That none of said bonds shall be issued until this act shall be submitted to and approved by a majority of the qualified registered voters of said school district, at an election to be held in the town of Reidsville, in said school district, on a day to be designated and fixed by said corporation, at any time after ten days from and after the passage of this act, and after the expiration of a public notice for thirty days preceding said election, giving time when and place where the said election will be held and registration books opened, which said notice shall contain a synopsis of the object and purpose of this act, and shall be published once a week for four consecutive weeks, immediately preceding said election, in the newspapers published in said town of Reidsville. And it shall be the duty of the County Commissioners of Rockingham county at any of their regular meetings after the passage of this act, and at the request of said corporation, to appoint four good and lawful men, residents of said school district, as judges of said election, all or any two of whom may act; also appoint a registrar for said election, who shall on the 30th day preceding said election open at some convenient and suitable place in said school district the registration books, upon
Purpose of tax.	
No bonds to issue till act submitted to qualified voters.	
Notice of election.	
Judges of election.	
Registrar.	
Registration books.	



which he shall record the names of all who present themselves for registration between the hours of sunrise and sunset, if they be *bona fide* residents of said school district, and are qualified voters, and would be entitled to register and vote for county and State officers in any general election that might be held for that purpose in Rockingham county at the time of the election herein provided for. The aforesaid judges, appointed and named as aforesaid, shall meet in the Town Hall in Reidsville, North Carolina, at sunup on the day designated for said election, and after being duly sworn by an officer of the law authorized and empowered by law to administer oaths to the effect that they will honestly, faithfully, conscientiously and impartially discharge the duties as judges of said election, proceed to open the "polls," that all who are entitled to vote at said election and desire to do so may vote. The voting shall be done by ballot, written or printed on a white piece of paper, which the voter shall deposit in a box prepared by said judges for that purpose. Those voters approving the provision of this act shall vote "Issue" and those not approving its provisions shall vote "No Issue." When the polls are closed at sundown the aforesaid judges shall proceed to count the ballots and declare the result of said election, which they shall certify to the County Commissioners of Rockingham county, over their signatures, at the next regular meeting of said Commissioners after said election, which said Commissioners shall cause to be entered upon their minutes as a record thereof. If the result of said election is in favor of the issuance of said bonds then the same may be issued in accordance with the provisions of this act, otherwise not.

Qualifications of electors.

Election, how held.

Form of ballots.

Count of ballots.

To certify election.

If authorized by result of election, commissioners to issue bonds.

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

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its passage.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 116.

#### AN ACT TO AUTHORIZE THE TOWN OF DUNN TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS AND TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the town of Dunn is hereby authorized and empowered to issue bonds, in the name of the town of Dunn, in such denominations and forms as it may determine, to an amount not exceeding thirty-five thousand

Commissioners of Dunn authorized to issue bonds.

dollars, payable at such time or times and at such place or places as the Board of Commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be more than thirty years from their date.

Interest. SEC. 2. That the said bonds shall bear interest at no greater rate than six per centum per annum, and the interest shall be payable annually, or semi-annually, as the Board of Commissioners may prescribe, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

Sale price of bonds. How executed. SEC. 3. The said bonds shall be signed by the Mayor, attested by the Town Clerk and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, and the coupons

Coupons. Coupons receivable for town taxes. shall be receivable in payment of town taxes. That for the purpose of paying said bonds at maturity and said coupons as they become due, it shall be the duty of the Board of Commissioners, and they

Commissioners to levy special tax. are hereby empowered so to do, to levy and collect each year a sufficient special tax upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said town, and at the time and in the manner as other taxes are collected under said charter: *Provided*, that the total rate of taxation allowed for the special purposes set forth in this act

Rate of taxation. shall not exceed fifty cents on each one hundred dollars valuation of property and one dollar and fifty cents on each taxable poll: *Pro-*

Use of taxes. *vided further*, that the taxes collected under this act shall be used exclusively for the purpose of paying said bonds and interest coupons as the same may become due, and it shall be the duty of the Town

Paid coupons to be cancelled. Report of town treasurer. Treasurer, as said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the Board of Commissioners the number and amounts of the coupons so cancelled.

Question of bond issue and tax levy to be submitted to qualified voters. SEC. 4. That the Board of Commissioners shall not issue said bonds, nor any of them, nor levy or collect said tax until they shall have been authorized and empowered so to do by a majority of the

Notice of election. qualified voters of said town at an election to be held at such time as said board may appoint, of which election notice shall be given

Form of ballots. for not less than twenty days in some newspaper published in said town; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of said bonds and coupons shall vote a ballot upon which is written or printed the word "Improvements," and those opposing the same shall vote a

Election, how conducted. written or printed ballot containing the words "No Improvements."

New registration. Subsequent elections. Said election shall be held under the same rules and regulations as elections for Mayor and other town officials: *Provided*, that the Board of Commissioners may in its discretion order a new registration of voters: *Provided further*, that a failure of the voters to ratify this act in any election held as aforesaid shall not prevent

the Board of County Commissioners in its discretion to cause a subsequent election to be held for the same purpose.

SEC. 5. That the said bonds and the proceeds arising from the sale of the same shall be used by the Board of Commissioners for the following purposes and for no other purpose, to-wit: For erecting, equipping, conducting and operating an electric light plant to furnish lights for the streets of said town and for its citizens; for constructing and equipping a system of water-works and maintaining and operating the same, to furnish water for the use of the town and its citizens; for constructing and maintaining a sewerage system for the town; to build a town hall, market-house and other necessary public buildings, and to furnish the same; and to grade, curb, macadamize and improve the streets of the town: *Provided*, Restricted uses of bonds and proceeds therefrom. *Proviso.* that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds.

SEC. 6. That the said Board of Commissioners shall have entire supervision and control of any and all of the plants and works established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true interest of this act. Supervision of plants and works; election of agents, employees, etc., and payment of same.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 117.

### AN ACT TO INCORPORATE THE TRENT RIVER AND CAPE FEAR RAILROAD AND LOGGING COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William B. Blades, James B. Blades, Charles G. Blades, Lemuel S. Blades, and such other persons as may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and style of the "Trent River and Cape Fear Railroad and Logging Company," which shall have power to adopt a common seal and change the same at will; shall have the right to sue and be sued, plead and be impleaded in the courts of the State, to contract and be contracted with, and shall be capable of taking by purchase, gift or otherwise real and personal property, and of holding, leasing, conveying or in any other manner dealing with the same for the purposes hereinafter named. And the said corporation shall have Corporators. Corporate name. Corporate powers.

and enjoy all rights, privileges and immunities which corporate bodies may lawfully exercise under the laws of this State; and may make all necessary by-laws and regulations for its proper government.

**Capital stock.**      SEC. 2. The capital stock of said corporation shall be twenty  
**Shares.**            thousand (\$20,000) dollars, divided into shares of one hundred  
**Increase of capital** (\$100) dollars each, with power in said company to increase by a  
**stock.**                vote of a majority of its stock the capital stock to an amount not  
                         exceeding five hundred thousand (\$500,000) dollars.

**Individual**      SEC. 3. That no stockholder shall be individually liable for the  
**liability.**        debts of the corporation.

**Corporate powers.**      SEC. 4. That said corporation shall have full power to accept,  
buy, hold, lease, sell and otherwise acquire and dispose of real and  
personal property of all kinds; to build, contract and otherwise  
acquire and operate saw and planing-mills, dry-kilns and other  
manufactories; to conduct a lumber business in all its branches,  
and to buy and sell such articles of commerce as in the opinion of  
the directors may be profitable to the business of the corporation,  
and to do such other things as may be necessary for conducting and  
developing the business enterprises authorized by this act. And the  
said corporation may engage in and prosecute all the enterprises  
herein mentioned, or any of them.

**Corporate powers.**      SEC. 5. That the said corporation, for the purposes of drainage  
and for the purposes of navigation by any and all kinds of boats  
and rafts, is hereby empowered to widen, deepen or straighten the  
channels in any swamps, or creeks, or runs, and to cut canals in any  
swamps or creeks contiguous to or emptying into the water-courses  
leading into New river, in Onslow county, or into the waters of the  
Northeast Cape Fear river, in Duplin county, State of North Caro-  
lina. And to carry out its purposes it is hereby invested with all  
the rights and privileges secured to canal companies by sections

**Proviso.**                1698 to 1717, both inclusive, of The Code of North Carolina: *Pro-*  
*vided*, that said corporation may at any time dispose of by sale or  
otherwise or abandon such swamp or stream which has been im-  
provided by it or canal cut by it: *Provided further*, that when in the  
prosecution of any such work or improvement contemplated in this  
section, it may become necessary to construct bridges across public  
roads, the same shall be constructed and kept in proper repair by  
said corporation so long as it shall use said canals, improved  
streams or roads.

**Power to construct**      SEC. 6. That said corporation is hereby authorized and em-  
**railroads.**            powered to lay out, build and construct or otherwise acquire, equip,  
maintain and operate one or more railroads in this State with one  
or more tracks, either standard or narrow gauge, and such tram-  
roads or other roads as it may deem necessary for the prosecution  
of the enterprises herein authorized, and to locate said railroad,

To change chan-  
nels in swamps,  
creeks, etc.  
To cut canals.

Proviso as to  
bridges across  
public roads, etc.

tram-road or roads at or through any point in the counties of Duplin, Jones and Onslow, beginning at a point on Trent river at or near the town of Pollocksville, in the county of Jones, and extending to some point as far west as the Wilmington and Weldon Railroad, between Magnolia and Duplin roads, in the county of Duplin, with full authority to build and operate such lateral or branch lines in or through said counties as may be deemed necessary or advantageous to the corporation, and also to construct, build or otherwise acquire and operate telegraph or telephone lines, or both, along the line of roads hereby authorized, and to make and collect such charges for the same as are not contrary to law. It is also authorized to sell, abandon or remove such roads or parts of roads as it may construct or cause to be constructed, whenever it is deemed expedient and advantageous to do so.

Location of  
railroad.

Corporate powers.

Telegraph and  
telephone lines.

Abandonment or  
removal of roads.

SEC. 7. That said corporation shall have the privilege to transport passengers or freight of all kinds, mail and express, over any and all railroads or tram-roads or streams improved under this act, and on the Trent, Neuse and Cape Fear rivers and their tributaries, and to charge and collect fare and freight for the same: *Provided*, that the same shall be done under the same rules and regulations, with the same rights and liabilities, as are provided by law for common carriers.

Transportation  
provisions.

Proviso.

SEC. 8. Said corporation shall have power to improve, manage, develop, sell, convey, lease, mortgage, dispose of or otherwise deal with any or all of its property.

Corporate powers.

SEC. 9. The said corporation shall have power to adopt from time to time, by a majority of the vote of its stock, such by-laws and regulations as it may deem proper for the government of its affairs, and to alter or abolish the same at will, to fix the number of directors, prescribe the manner of their election and define their powers; to provide for the election of a president and such other officers as it may see fit. Its principal place of business shall be in Craven county, in the city of New Bern, North Carolina, but it may establish such branch offices or places of business as may be necessary or convenient for the transaction of its business, and it shall hold its meetings whenever a majority of the directors may determine.

By-laws, directors,  
officers, etc.

Places of business.

Meetings.

SEC. 10. That if any person shall in any manner wilfully obstruct the canals, improved streams, turnpikes, tram-roads or other works of said corporation, or in any way deface or injure its real or personal property, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, or both; and said corporation is hereby fully authorized to remove such obstruction.

Obstruction of, or  
interference with,  
property of corpo-  
ration a misde-  
meanor.

Penalty.

SEC. 11. That said company shall enjoy all the benefits and be subject to the provisions of sections 1943 to 1951, both inclusive,

Rights of eminent  
domain.

of chapter 49 of The Code of North Carolina, in respect to the acquisition of land by condemnation.

Corporate existence.

SEC. 12. That said corporation, its successors and assigns shall have existence for ninety-nine (99) years, and all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they are repugnant to any provisions herein, and no further.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

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#### CHAPTER 118.

### AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE WRIGHTSVILLE AND ONSLOW NAVIGATION COMPANY," BEING CHAPTER 36, PRIVATE ACTS OF 1889.

*The General Assembly of North Carolina do enact:*

Section 1, chapter 36, Private Acts 1889, amended.

SECTION 1. That section 1 of chapter 36, Private Acts of 1889, entitled "An act to incorporate the Wrightsville and Onslow Navigation Company," be amended by striking out all of said section after the word "river," in line four, down to and including the word "river," before the letters "B. R.," in line five.

Section 7, chapter 36, Private Acts 1889, stricken out. Substitute.

SEC. 2. That section 7 of said act be stricken out and insert in lieu thereof the following: "That the said company shall have the exclusive right to convey and transport passengers and freight over and along the waters of said sounds, that is to say, from what is commonly called the head of the sound, in New Hanover county, northwardly, and return, to the waters of New river, in Onslow county, by steamboats and sailing vessels, and at such rates as said company shall prescribe: *Provided*, that said company shall open a connection wherever necessary between the waters of the sounds lying south of New river and north of the head of the sound, in New Hanover county, by a canal sufficient to maintain and furnish at least four feet of water at all stages of the tide: and *Provided further*, that such exclusive right shall not obtain until the whole canal shall have been completed.

Proviso.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

## CHAPTER 119.

## AN ACT TO AUTHORIZE THE CITY OF DURHAM, IN THE COUNTY OF DURHAM, NORTH CAROLINA, TO ISSUE MARKET BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Aldermen of the city of Durham be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of fifty thousand dollars, and in denomination of not less than \$25 nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per cent. per annum, and payable semi-annually on the first day of January and first day of July of each year, until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said Aldermen and named therein, not to be less than three nor more than twenty five years from date thereof; *Provided, however,* that the said Aldermen of the city of Durham may divide said bonds into classes as they may determine best and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the Mayor of the city of Durham and countersigned by the Clerk of the Board of Aldermen of the said city, and bear the corporate seal of said city, affixed thereto; and the coupons thereto attached shall be signed by the Mayor of the said city; that a record shall be kept of the said bonds, showing the number and denominations thereof, and to whom sold, the dates of issuing thereof and when the same will mature, and the interest-bearing rate thereof, and the amount received from the sale of the same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the Board of Aldermen may direct to be kept.

SEC. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value and the Mayor of said city shall not deliver said bonds or any of them to the purchaser thereof until the purchase money thereof shall be paid to the Treasurer of said city, and his receipt to the purchaser produced before the Mayor as evidence of such payment; and the Treasurer of said city shall receive all such moneys paid in the purchase of the bonds in his official capacity as Treasurer of said city, and the sureties on his official bond shall be liable to account for and pay over the same as provided by the laws relating to the Treasurer of the said city of Durham; and it shall be the duty of the Board of Aldermen of the said city of Durham to see to it that the bond of said Treasurer shall at all times be sufficient in amount, and with satisfactory sureties to provide against any loss of money

Durham city commissioners authorized to issue bonds.  
Amount.  
Denomination.  
Interest.  
Maturity of bonds.  
May mature at different dates.  
To be numbered.  
How executed.  
Record to be kept.  
What to contain.  
Sale price of bonds.  
When delivered.  
Treasurer to receive proceeds.  
Liability on bond.  
Sufficiency of bond to be maintained.

arising from the sale of said bonds, and to that end, may at any time require said Treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as Treasurer.

Proceeds to be kept separate.

How expended.

Proviso.

Act to be submitted to qualified voters.

Election, when held.

Advertisement.

Where and how held.

Returns.

Ballot box.

Form of ballot.

Ballots to be counted and results certified.

Result certified.

Effect of result.

SEC. 3. That the Treasurer of the city of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended in the purchase of bonds in the city of Durham and the erection thereon of a building suitable for a City Market and City Hall, and such other purposes as the Board of Aldermen may determine, and in providing the same with necessary equipments and furniture for such ends and purposes: *Provided, however,* that nothing herein shall be construed as prohibiting the Board of Aldermen from using for such purposes any part of the real estate now owned by the city: *Provided further, however,* this act shall be submitted to the qualified voters of the city of Durham for their ratification or rejection, at an election to be held in said city at such a time as the Aldermen may appoint within six months after the ratification of this act; the said election shall be advertised by or under the direction of the Board of Aldermen of the said city of Durham for thirty days prior to the day of election, in one or more newspapers published in said city, and the said election shall be held at the usual voting precincts within the city of Durham, under the supervision of duly appointed registrars and judges of election, or such other officers as may be designated by law for holding elections in said city, and the returns of said election be made, certified and canvassed and the result declared in the manner provided by law, and the said election officers shall provide at such election a ballot-box labelled "Market Bonds." At the said election those who are in favor of issuing said bonds shall vote "For Market Bonds," and those who are opposed shall vote "No Market Bonds," on written or printed ballot; that the number of ballots cast for and against the said bonds and deposited in the ballot-boxes provided shall be counted, and the result of the said election certified and returned to the Board of Aldermen of the city of Durham, and the same, when canvassed and declared, as aforesaid, shall be certified under the hands of the Mayor of the said city and the Clerk of the said Board of Aldermen, and the corporate seal of the said city of Durham, to the Secretary of State, to be filed by him in his office. If at the said election a majority of the qualified voters of the city of Durham shall not vote "For Market Bonds," then this act shall be thereafter of no force and effect; but if at the said election the ballots cast "For Market Bonds" shall be a majority of all the votes cast and also a majority of all the qualified voters of the said city of Durham, then the said Board of Aldermen shall proceed at once to issue and sell bonds or so many



thereof as shall be necessary, in the judgment and discretion of said Board of Aldermen of the city of Durham, for the purposes aforesaid.

SEC. 4. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity the Board of Aldermen of the city of Durham shall levy and collect a special tax of five cents on every hundred dollars worth of taxable property in the said city, and fifteen cents on each taxable poll, and such other special taxes as may be necessary for that purpose, observing the equation of taxation between property and polls fixed by the Constitution for the purpose of State and county taxation, and the money paid into the said city treasury received from the taxes under this act shall be appropriated for the payment of said bonds and coupons, and for no other purpose whatsoever: *Provided*, all the moneys remaining in the treasury belonging to said fund, after all the aforesaid bonds and coupons shall have been redeemed, may then be transferred by order of the Board of Aldermen to the general funds of said city of Durham.

Aldermen to levy and collect special tax.

Special tax funds, how used. Proviso.

SEC. 5. The Board of Aldermen of the city of Durham may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive from the Tax-collector of the city of Durham all taxes collected under this act for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity, and the said Board of Aldermen may prescribe the duties of said trustee, fix amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of the said trustee to invest and lend the money coming into his hands for the purpose of creating a sinking fund, in safe securities, or upon real estate situated in the city of Durham: *Provided, however*, that no such investment or loan shall be made without the consent and approval of the Board of Aldermen of said city.

Aldermen may appoint trustee.

His duties.

Power of aldermen to prescribe duties and fix bond of trustee. Duty to create sinking fund.

Proviso.

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

In the General Assembly read three times and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 120.

#### AN ACT TO VALIDATE THE APPOINTMENT OF TRUSTEES FOR ZION METHODIST CHURCH AT HAYWOOD, NORTH CAROLINA.

WHEREAS, there is some doubt as to who may appoint the successors of the deceased trustees, or committeemen, named in a deed executed on the 15th day of January, 1869, by Elias Bryan to Daniel

Preamble.

Blackwell and others, for lot No. 283, in the town of Haywood, in Chatham county, on which is situate Rose Hill Zion Methodist Church:

Preamble.

AND WHEREAS, William Bryan, Thomas Blackwell and Allen Atkins, the surviving trustees or committeemen named in said deed, and the congregation of said Rose Hill Church have selected Green Hill and George W. Douglass as the successors of Daniel Blackwell and Austin Bryan, who are dead; now then

*The General Assembly of North Carolina do enact:*

Trustees for Zion Methodist Church, Haywood, N. C., to continue to hold title to lot conveyed to them as such.

SECTION 1. That the said selection and appointment of said Green Hill and George W. Douglass as the successors of said Daniel Blackwell and Austin Bryan as trustees or committeemen to hold the legal title to said lot 283, in said town of Haywood, is hereby ratified and confirmed.

How successors are appointed.

SEC. 2. That the said William Bryan, Thomas Blackwell, Allen Atkins, Green Hill and George W. Douglass, or a majority of them, and their successors, shall have full power to appoint their successor or successors, upon the death or resignation of any them, as trustees or committeemen aforesaid.

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

In the General Assembly read three times, and ratified this 20th day of February, A. D. 1901.

#### CHAPTER 121.

### AN ACT TO AUTHORIZE THE TOWN OF GREENVILLE TO ISSUE BONDS FOR PURPOSES OF MAKING IMPROVEMENTS IN SAID TOWN.

*The General Assembly of North Carolina do enact:*

Greenville to issue bonds.  
Conditions.  
Amount.

SECTION 1. That the town of Greenville, through its properly constituted authority, is hereby authorized and empowered, if a majority of the qualified voters thereof shall so vote, to issue interest-bearing coupon bonds to the amount of seventy-five thousand dollars in the manner and for the purposes hereinafter named.

Question to be submitted to qualified voters.  
Election, when held.  
How conducted.

SEC. 2. That the question of issuing said bonds shall first be submitted to the qualified voters of said town at an election to be held for that purpose on the second Tuesday of April, 1901, which election shall be conducted in all respects as are elections for Aldermen of said town, except as modified by this act. The Board of Aldermen shall at a meeting held on before the second Thursday in March, 1901, appoint a registrar and two judges of election for each of said wards of said town. The Mayor shall, at least twenty days before

Registrars and judges.

the election, issue his proclamation giving notice of said election and designating therein the persons chosen to conduct the same and the exact place in each ward where it is to be held. In order to be able to accurately ascertain the number of qualified voters in said town an entirely new registration for said election is hereby ordered, and it shall be the duty of the registrar in each ward to register all persons entitled by law to be registered as a voter in said ward, and this he may do for convenience at his home or at any other place in said town, but it shall be the duty of the registrar in each ward to attend with his registration book at the place designated by the Mayor in his proclamation on Thursday, Friday and Saturday next preceding the election from two o'clock to sunset each day for the purpose of registering all persons entitled to register and who have not been registered. And it shall be the duty of the judges of election to attend with the registrar in their respective wards on Saturday preceding the election for purpose of hearing and determining all contests and challenges as to registration. The registration books shall be open to inspection at all times and they shall be finally closed at sunset on the Saturday immediately preceding the election. If any vacancy shall occur at any time for any cause in the position of registrar or judges of election for said election it shall be reported to the Mayor, who shall immediately fill the same. The polls shall be opened at eight o'clock a. m. on said second Tuesday in April, 1901, and shall be closed at six o'clock p. m. on said day, and all persons whose names are found on the registration books shall be entitled to vote at said election for or against issuing said bonds. Those desiring to vote for it shall vote a written or printed ticket on which shall be written or printed the words "For Bonds," and those desiring to vote against it shall vote a written or printed ticket on which shall be written or printed the words "Against Bonds." The registrar and judges of election shall immediately after the closing of the polls count the votes cast and shall make and sign duplicate returns thereof which shall be sealed up and delivered as follows: One sealed copy shall be delivered to the Clerk of the Board of Aldermen, together with the registration and poll books, and one copy to the Mayor. The Mayor and Board of Aldermen shall meet at eight o'clock on Wednesday night next immediately succeeding said election at their usual place of meeting and in the presence of such persons as choose to attend, proceed to open and count said returns, and if all the returns are in they shall make and publish an official announcement of the result of said election, in which they shall certify to the whole number of registered voters, the number cast for and the number cast against said proposition. If for any cause the returns have not been made the board, before making and declaring the result, shall procure and compel such return. The Mayor shall, after the result has been declared by the board, issue his proclamation repeating said result.

Notice of election.

New registration.

Who may register.

Place of registration.

Contests and challenges.

When books open for inspection and when closed.

Vacancy in position of judge or registrar, how filled.  
Polls, when opened and closed.

Who entitled to vote.

Form of ballots.

Counting the votes.  
Duplicate returns.

Canvassing the returns.

Announcement of result.

Board may compel returns.

Proclamation of result.

If authorized by majority of qualified voters, aldermen to issue bonds.

Amount.

Denomination.

How executed.

Maturity.

Interest.

Interest, when and where payable.

Aldermen to levy special tax.

Special tax, how levied, collected and disposed of.

Sale of bonds.

Selling price.

Price and purchaser to be published.

Amount to be turned over to graded school directors.

Uses of remainder of proceeds.

Plants and improvements, how constructed.

Town to be sole owner of property.

SEC. 3. That if a majority of the qualified voters of said town, as ascertained by said registration and election, shall vote "For Bonds," then the Mayor and Board of Aldermen of said town are authorized and directed to cause to be prepared and issued interest-bearing coupon bonds to the amount of seventy-five thousand dollars. Said bonds shall be of the denomination of five hundred dollars each, shall be signed by the Mayor and countersigned by the Clerk of the Board of Aldermen, shall run for thirty years and shall bear interest at the rate of five per cent. per annum.

SEC. 4. The interest on said bonds shall be payable at such time and place as may be designed in said bonds or coupons, and to provide for the prompt and regular payment of said interest it shall be the duty for the Board of Aldermen of said town each and every year at the same time that other taxes are levied to levy a sufficient special tax upon all the taxable polls, property and taxable subjects in said town to pay said interest as the same may become due and payable. The board shall cause said special tax to be levied, collected and accounted for as other taxes are, and they shall cause the same to be set aside for the special purpose of paying said interest and it shall be used for no other purpose.

SEC. 5. That said bonds shall be sold in such manner as the Mayor and Board of Aldermen may prescribe, and the sale shall be under their direction, but no bond shall be sold for less than its par value, and the Mayor and Board shall publish in a paper published in the town of Greenville a statement showing to whom and at what price said bonds were sold.

SEC. 6. That if graded schools shall be established in said town the sum of five thousand dollars of the proceeds of the sale of said bonds shall be turned over to the directors of the graded schools to be used in the erection of suitable buildings for said graded schools.

SEC. 7. That the proceeds of the sale of said bonds, except the sum conditionally appropriated to the graded schools in preceding section, shall be used by the Board of Aldermen or by such persons as they may designate, under their direction, in establishing, installing and putting in operation in said town such a system of electric lights, such a system of water-works, sewerage and drainage and in building such market-house facilities and in making such other improvements as said board may select and adopt for said town. And said board may contract for the material for said plants and other improvements, or for the construction of the same, or they may cause the same to be erected under the immediate supervision of the board or otherwise, as they may deem best, but in any and all events the town shall be the sole owner of the property, plants and other improvements and shall have the sole and exclusive control and management of the same, and said board is forbidden to make any contract or agreement with any one which would, in any way, interfere with this exclusive ownership and control.

SEC. 8. That in the erection, operation and maintenance of said plants and improvements the said board may take, use and occupy and condemn such private property in or out of said town as may become necessary. And when the property owner and the board cannot agree upon the amount of the damages to be paid for the property so taken or condemned the controversy shall be determined as is provided for in the charter of said town, except that the town may proceed at once to take and use such private property without waiting for the determination of such proceedings, but the town's title to such property or its rights to permanently occupy the same shall not become absolute until the final judgment of the court is complied with.

Condemnation of private property.

Proceedings therefor.

When town's title becomes absolute.

SEC. 9. That the said Board of Aldermen shall have the power to fix the price, terms and conditions for the use of the lights and water supplied by said plants to individuals, firms or corporations in or out of the corporate limits of said town, and to prescribe all needful rules and regulations concerning the use of or damages to the same.

Price of lights, water, etc.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

#### CHAPTER 122.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF HENDERSONVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The town of Hendersonville shall be and is hereby constituted a Graded School District for both white and colored schools.

Hendersonville a graded school district.

SEC. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the town of Hendersonville, shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act, shall elect their own chairman and secretary, employ and fix the compensation of teachers and do all other acts that may be just and lawful to conduct and manage the graded school interests in said town: *Provided*, all children resident in the town of Hendersonville, between the ages of six and twenty-one years, shall be admitted into said schools free of tuition charges: *Provided, further*, that the school trustees may receive as students non-resident children upon payment of reasonable tuition charges, to be fixed by said trustees: *Provided, further*, that the trustees shall allow such credits to the parents and guardians of non-resident chil-

Powers of school trustees.

Provision for free tuition.

Provision for non-resident students.

Provision for teaching foreign languages.	dren attending schools as they may think just and meritorious on account of the school taxes paid on property in the town by said parents and guardians: <i>Provided further</i> , that the said trustees may, in their discretion, if they think wise and proper, charge reasonable tuition for teaching the foreign languages.
Names of trustees.	SEC. 3. W. A. Smith, J. Williams, A. E. Posey, J. G. Waldrop, L. T. Williams, C. H. T. Bly, J. P. Rickmore, C. F. Toms are hereby appointed school trustees for the graded school of said town of Hendersonville, and shall meet, organize and qualify within thirty days after the ratification of this act. As soon as the said trustees shall have qualified they shall divide themselves by lot into four classes. The first class shall be composed of two members, the second class of two members, the third class of two members, and the fourth class of two members. Successors in office to the members of the first class shall be elected by the Board of Commissioners of said town of Hendersonville at their first meeting in June, 1902, and successors in office to the members of the second, third and fourth classes shall be elected by the Board of Commissioners of Hendersonville two, four and six years respectively thereafter. Persons elected school trustees by the Board of Commissioners shall be elected for a term of eight years. Vacancies caused by death, removal, failure to qualify or other cause shall be filled by said Board of Commissioners of the town of Hendersonville at any meeting.
When to organize, etc.	
Trustees divided into four classes.	
Town commissioners to elect successors, when.	
Vacancies, how filled.	
Question of special tax may be submitted.	SEC. 4. At any time after the ratification of this act, upon the petition of said school trustees, the Board of Commissioners of the town of Hendersonville shall submit to the qualified voters of said town the question whether a special school tax shall be annually levied to supplement the public school fund in said town. Said election shall be held under the rules and regulations governing municipal elections in said town, and for the purpose of said election the Board of Commissioners may order an entirely new registration. For the purpose of ordering said registration and election the Board of Commissioners may meet in special session. At said election those who favor the levying of such tax shall vote a ticket on which shall be written or printed the words "For Special Tax," and those who are opposed shall vote a ticket on which shall be written or printed the words "Against Special Tax." If a majority of the qualified voters shall be in favor of said tax the same shall be annually levied and collected as the other town taxes, and the tax-collector and treasurer of said town shall be subject to the same liabilities for the collection, safe-keeping and disbursement of the said tax as they are or may be for other town taxes, and shall give bonds sufficient to protect said money. The taxes levied and collected under the provisions of this act shall be placed by the town treasurer to the credit of said school trustees, and shall be applied exclusively to the support and maintenance of the graded schools in
Election.	
May order new registration.	
Form of ballots.	
If authorized by majority of qualified voters, special tax to be levied.	
Liabilities of tax-collector and treasurer.	
Official bonds.	
Special tax, how disposed of.	

the town of Hendersonville. The special school tax thus levied and collected shall not exceed twenty cents on the one hundred dollars valuation of property and sixty cents on the poll: *Provided*, that the commissioners shall levy the amount of taxes for school purposes, not exceeding twenty cents on the one hundred dollars worth of property and sixty cents on the poll, which the trustees shall recommend as necessary to establish and run the schools for not less than seven nor more than ten months in each year.

Amount of tax.  
Proviso.

Length of school term.

SEC. 5. That the said Commissioners shall at any time, upon the petition in writing of sixty per cent. of the qualified voters of said town, call an election to be held in the same way as elections are held for other municipal purposes, at a time to be fixed by said Commissioners, at which shall be submitted to the qualified voters of said town the question whether or not the said town shall contract a bonded indebtedness to an amount not less than five thousand dollars nor more than ten thousand dollars to erect or purchase graded school buildings in said town for the better education of the children of said town, at which election those favoring said bonded indebtedness shall vote a ticket upon which shall be written or printed the words "For Bonds," and those who oppose said indebtedness shall vote a ticket upon which shall be written or printed the words "Against Bonds." If a majority of the qualified voters shall vote in favor of said bonded indebtedness, then the Commissioners of the town of Hendersonville shall issue interest-paying coupon bonds (interest payable semi-annually) in such denominations as may best suit the market, payable at a time to be fixed by the Commissioners not later than thirty years from the date of said bonds, at the least rate of interest, not exceeding six per cent. per annum, as will enable them to sell said bonds at par. If said bonds shall be issued the interest thereon shall be paid by the levying and collection of a sufficient amount of taxes on the property and polls within said town annually to meet the payment of the interest coupons as they may fall due, and at the maturity of said bonds the principal shall be paid from taxes levied and collected according to law: *Provided*, said bonds shall not be sold for less than par.

Upon petition, commissioners to submit question of bond issue.

Amount of bonds.

Form of ballots.

If authorized by a majority of qualified voters, bonds to issue.

Maturity.

Interest.

Interest, how paid.

Principal, how paid.  
Sale price of bonds.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law to the public schools in Hendersonville shall be placed to the credit of the school trustees provided for in this act.

Public school funds for Hendersonville to be turned over to graded school trustees.

SEC. 7. It shall be the duty of the said school trustees to distribute and apportion the school moneys placed to their credit so as to give each school in the town, white and colored, the same length of school term as nearly as may be each year.

Apportionment of school money.

SEC. 8. The said school trustees shall make an annual report to the Board of Commissioners of said town of Hendersonville of the receipts and disbursements of all school funds under their control.

Annual report.

School trustees  
created a body  
politic.  
Corporate powers.

SEC. 9. The school trustees hereby created shall be a body corporate by the name and style of "The Trustees of the Hendersonville Graded School," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, or selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said school trustees shall be to them and their successors in office.

Conveyances to,  
when made.

Conflicting laws  
repealed.

SEC. 10. That all laws and clauses of laws in conflict with this act are repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1901.

CHAPTER 123.

AN ACT TO INCORPORATE THE FAYETTEVILLE SAVINGS AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Walter L. Holt, A. H. Slocomb, S. H. Cotten, W. D. Allen, Frank H. Cotten, W. A. Vanstory, D. A. McMillan, Joseph B. Underwood, Dr. J. H. Marsh, Dr. J. W. McNeill, M. F. Crawford, W. J. Edwards, James D. McNeill, Samuel H. MacRae, L. A. Williamson, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate under the name and style of the "Fayetteville Savings and Trust Company," with its place of business in the city of Fayetteville, N. C., and shall have continual succession for the term of ninety-nine years, with capacity to take, hold and convey property, real, personal or mixed, to sue and be sued, plead and be impleaded. To adopt and use a common seal, and the said corporation is hereby endowed with all the rights, powers and privileges of banking institutions and similar corporations under the general banking laws of the State.

Corporate name.

Place of business.

Corporate powers.

Corporate powers.

SEC. 2. That said corporation shall have the right to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities, to loan money to or receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and *femes covert*, or other persons, on such terms and time and manner of collection and payment as may be prescribed by this charter, or by the by-laws, or as may be agreed on by the parties; and for the use, and loan of money may charge not exceeding the rate fixed by law, and may take and receive said interest at the time of making said



loan or otherwise, free from all other control, contract or liabilities whatever; to invest in the stocks, bonds or other securities of this or any other State or Territory, or of the United States, or of any corporation organized under the laws of this or any other State or Territory, or of the United States; and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; 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.

SEC. 3. That the capital stock of the said corporation shall not be less than \$10,000, which may be increased from time to time by the consent of the majority of the stockholders to a sum not exceeding \$100,000, and shall be divided into shares of \$25 each, payable as the directors may designate, and the shares so subscribed, when fully paid up, shall be non-assessable, nor shall any stockholder be liable for any other sum or sums on account of such subscription. That the said corporation shall be governed by a board of directors, composed of not less than five nor more than fifteen; that each director shall be a stockholder of said corporation.

SEC. 4. That the said corporators, or any three of them, may open books for subscription to the capital stock of the said bank at such times and places and for such period as they may deem best, and when capital stock to the amount of \$10,000 has been subscribed, the subscribers may meet and organize, and when twenty per cent. of the capital stock has been paid in the said corporation may commence business.

SEC. 5. That it shall be the duty of the board of directors to adopt a common seal, which they may alter or break at pleasure, draft suitable by-laws which shall be submitted to and approved by the stockholders at a stockholders' meeting. To select a president, vice-president and such other officers and servants as they may deem necessary for the proper management of the business of the said corporation, and prescribe their duties, terms of office or employment and remuneration and require of them such surety bonds as said directors may deem proper, and in all other respects to manage the affairs of the said corporation.

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

Fayetteville, after advertisement of such sale for ten days in a newspaper published in Fayetteville, 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.

Savings bank  
business.

SEC. 7. The corporation is especially invested with the power and authority to carry on, conduct and operate a savings bank 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 dividends 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 directors are hereby authorized to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of its corporation.

Deposits of minors  
and married  
women.

SEC. 8. Whenever any deposit shall be made by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive benefit of such depositor, and free from all control or lien of any persons except creditors, and shall be paid to the persons in whose name the deposit shall have been made, and the receipt or acquittance of such minor or female shall be valid and sufficient release and discharge for such deposits, or any part thereof, to the corporation; and whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing, duly attested to the company, in the event of the death of the trustee, the said deposit or any part thereof may be paid to the person for whom the deposit was made.

Deposits in trusts.

Storage warehouse  
business.

SEC. 9. That in addition to the powers above conferred, said corporation may lease, build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other products 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 contest between the said company and any depositor 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. 10. That said corporation shall have power and ample authority to guarantee the payment of the principal and interest of notes, bonds, bills of exchange and other securities or evidences of debt, including the obligations of such corporation and individuals as may have secured their payment by a deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and may charge therefor so high a rate of interest as may be allowed by law, and may take and receive the interest at the time of making said transaction.

SEC. 11. That said corporation shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to it with its consent by any person whomsoever, corporation or by any court in this or any other State or Territory of the United States; and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases. In all cases where the trustee is required by law to take an oath the said oath may be taken by an officer of the said corporation. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said company.

SEC. 12. That said corporation shall have a right to act as agent, factor or broker for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation or 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 any 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 and 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. 13. That the said corporation shall have power to become surety upon the bond of any public officer, or natural person, or agent or officer of any private corporation, or on undertakings of any kind in any court, or upon contractors' bonds, provided a sufficient deposit is made with corporation to guarantee it against loss by

Guaranty and  
surety business.

May accept and  
execute trusts.

May receive  
deposits from  
fiduciaries, execu-  
tors, administra-  
tors and public  
officers.

May act as agent,  
factor or broker.

May become  
surety on bonds.

reason of said suretyship, and shall receive such compensation as may be agreed upon.

May receive special and particular deposits and provide suitable buildings and vaults for their safe keeping.

SEC. 14. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds, notes, evidences of debt, dues, muniments of title or any other valuable papers of any kind, or any other article or things whatsoever, which may be left or deposited for safe-keeping with said company, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon; and for the complete preservation and safe-keeping thereof may lease, construct, erect and purchase such fire and burglar-proof building, vaults, iron and composition safes or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe-keeping and preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital or funds as may be deposited with said company for that purpose from time to time in such stocks, bonds and securities as may be regarded as advantageous and desirable; they shall have power to receive and hold on deposit and in trust, and as security, estate, real, personal and mixed, including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them.

May purchase and hold property on which company has a lien.

SEC. 15. Whenever any real estate or personal property upon which the company may have a lien of any kind shall be exposed to sale under authority of law, the president, or other officer of the company, duly authorized by the board of directors of this company, may purchase the same for and on behalf of the company, and such purchase, though made at a sale by the company as a trustee, shall be valid and binding upon parties having or claiming an interest therein.

Taxation of capital stock.

SEC. 16. The capital stock of this corporation shall be taxed as other property in this State to the full amount paid in, less the value of its taxable property, and all non-taxable bonds which shall be deducted from the amount paid on said capital stock.

Stock, how transferred.

SEC. 17. 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 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.

Lien on stock for indebtedness.

Voting power of stockholder.

SEC. 18. That at all stockholders' meetings a stockholder shall be entitled to cast as many votes as he holds shares of stock and may be represented by a duly authorized proxy.

SEC. 19. The powers and privileges granted herein shall not be deemed forfeited by non-user: *Provided*, the corporation is organized within two years from the date of ratification of this act. Limit for organization.

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 124.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAURINBURG.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Laurinburg shall be and continue as heretofore a body politic and corporate, and by the name of "The Town of Laurinburg," may sue and be sued, plead and be impleaded, purchase, hold and receive by conveyance, gift or devise all such real and personal property as may be desirable for town purposes, and for its proper government, and may from time to time sell and dispose of the same, and re-invest the proceeds as may be deemed advisable by the proper authorities of the town. Body corporate.  
Corporate name.  
May purchase, hold and dispose of real estate.

SEC. 2. The corporate limits of the town shall be as follows, to-wit: With the common centre of the Carolina Railroad main line and Main street at their intersection, as the centre of the town, with the boundaries, beginning at a stake fifty chains due north of said common centre, thence due east fifty chains to a stake, a corner; thence due south one hundred chains to a stake, a corner; thence due west one hundred chains to a stake, a corner; thence due north one hundred chains to a stake, a corner; thence due east fifty chains to the beginning. Corporate limits.

SEC. 3. There shall be annually an election held in said town on Tuesday after the first Monday in May, at which there shall be elected by the qualified voters of the town a Mayor, five Commissioners, a Treasurer, a Clerk, and a Constable, who shall be qualified voters of the town, whose term of office shall begin on the third Monday in said month of May, being the second Monday after such election. Annual election  
Officers.  
Term of office.

SEC. 4. The said election shall be held under general laws governing town elections, except as herein provided, and every resident citizen of the town otherwise qualified to vote in an election for members of the General Assembly, who has resided in the town for six months immediately preceding the election, shall be entitled to register and to cast one ballot, on which shall be the name of all persons for whom he wishes to vote, with the office properly design- Election, how held.  
Qualifications of electors.  
Form of ballots.

Who elected.	nated. The several persons receiving the highest number of votes for any office shall be declared elected thereto, save that the five who receive the highest number of votes for Commissioners shall be declared duly elected Commissioners of the town. Immediately upon counting out the ballots the judges of election shall declare the
Declaration of result.	result at the place of election and shall post the same in writing at the court-house door, and within three days thereafter shall transmit, under the hands of a majority of them, their report of the same
Report.	to the Mayor, who shall cause the same to be entered at the next ensuing meeting of the Commissioners as a part of the record of their
To be entered on record. Constable to notify officers elect.	meeting, and he shall direct the Constable to notify the officers-elect of their election. At the same time that the judges of election make returns to the Mayor they shall also make returns to that
Returns to county officers.	officer of the county of Scotland to whom returns of general elections of the county for sheriff and other officers are to be made, or would be made, were the election held as of that day, and whose duty it would be to record the same, and the said officers of Scotland county
County record of returns.	shall record the said returns in the record of election for Scotland county, along with other records of elections.
Terms of office.	SEC. 5. The terms of said officers shall begin on the third Monday of May thereafter, and continue one year, and until their successors are elected and qualified.
Registrar and judges of election.	SEC. 6. The Board of Town Commissioners shall appoint two judges of election, and a registrar, in apt time so that the registrar may give legal notice of his opening of the books of registration, and so that he may keep them open the prescribed length of time preceeding the election.
Mayor an official court. Jurisdiction.	SEC. 7. The Mayor shall be, and he is duly constituted, an official court with the jurisdiction of a justice of the peace in all criminal matters; and in all matters pertaining to the enforcing of the collections of taxes of the town, including proceedings by garnishment and distress of property. He shall have original and exclusive jurisdiction to try all offenses against the town ordinances and concurrent jurisdiction with the justices of the peace as to all other violations of
Proceedings, how conducted. Appeal.	criminal law in the town. He shall conduct proceedings before his court as commonly prescribed for mayors, with the right of appeal therefrom as now provided by law. In all cases of appeal the Mayor shall request good and sufficient bond to secure attendance of defendant at next term of the Superior or Criminal Appellate Court having jurisdiction of the appeal, and in default of such bond shall commit the defendant to jail to await trial, as provided by law.
Bond.	
Proceeding in default of bond.	
Duties of the mayor.	SEC. 8. The Mayor shall keep a faithful minute of his proceedings in court, shall have full power as now provided to punish for contempt, and shall attend all meetings of the Board of Commissioners and shall preside at the same; but shall have no vote in the same except in case of a tie. He shall have general oversight of the public

business of the town, and shall from time to time report to the Board of Commissioners such matters as are of interest to them in the discharge of their duties, and shall keep them informed from time to time as to fines imposed and of such fines as for any cause may be by him thereafter remitted or reduced, with his reasons for the same.

SEC. 9. The Board of Commissioners shall designate some member of their Board, or other discreet person, a qualified voter of the town, who shall be termed "Mayor *pro tempore*," and who shall act in the stead of the Mayor in case of his absence, sickness or other disqualification to act in the premises.

SEC. 10. The Commissioners shall provide for the election or the appointment of all necessary policemen, and other officers, and fill all vacancies occurring during their term of office, and not otherwise provided for.

SEC. 11. The Commissioners shall meet in regular session as often as once per month, and at such other times as they may determine upon, or when the Mayor or a majority of the Board of Commissioners shall call a meeting; but no meeting shall be called by the commissioners until the acting Mayor, if there be such present in town, shall have been called upon by at least two members of the Board of Commissioners to call such meeting and he has refused or neglected to do so.

SEC. 12. It shall be the duty of the Mayor when calling a meeting to notify the Constable of the same, and state the time and place and meeting, and it shall be the duty of the Constable to notify the Commissioners thereof; but failure to so notify them shall not prevent the holding of such meeting with a majority of the board present and acting at such meeting.

SEC. 13. The Commissioners, when convened, shall have the power, and it shall be their duty to enact such by-laws, rules and ordinances as they may deem necessary for the proper government of the town, and when such ordinance have been adopted it shall be the duty of the Clerk to prepare a suitable draft of the same in a book well bound, writing or printing them, or partly writing and partly printing them, on the pages of even number in said book, the pages of odd number being thus left blank; and when completed the Clerk shall present the book to the Mayor, who shall append a certificate at the end of all of the ordinances to the effect that the foregoing are the ordinances of the town, which certificate shall be attested by the Mayor and corporate seal affixed, witnessed by the signature of the Clerk, and such book of ordinances shall be deposited with the Mayor for his guidance and instruction, and it shall be the duty of the Clerk whenever the ordinances shall be amended, or repealed in any respect, to make the necessary additions or corrections, placing his record on the pages of odd number, and as nearly as may be,

Appointment of policemen.

Commissioners' meetings.

Called meetings.

Duties of mayor and constable in calling a meeting.

Commissioners to enact by-laws, rules and ordinances.

Ordinances, how recorded.

Certificate and attestation to ordinances.

Book of ordinances to be deposited with mayor. Amendments to ordinances.

Signing and attestation of amendments.	opposite to the ordinance which it most affects. If it be an ordinance on a new subject it shall follow the regular ordinances on the pages of even number, and be attested in the manner, with the addition of the date of passage, and the page in the minutes of the Board of Commissioners on which the ordinance may be found. All amendments shall be attested substantially as follows: "A true copy: Page . . . . of meeting of . . . . 190.," which shall be signed by the Mayor and attested in each instance by the Clerk, but need not have the corporate seal attached. Said book shall be competent evidence in
Book of ordinances <i>prima facie</i> evidence of ordinances of town.	all courts to prove the ordinances of the town, and shall be <i>prima facie</i> proof thereof: <i>Provided</i> , that it shall be competent to offer evidence to prove the ordinances different.
Powers of commissioners as to:	SEC. 14. That among the powers conferred upon the Commissioners are the following: To provide for the construction and laying out
Streets, etc.	of streets, alleys, roads and lanes, and for the widening of the same; to regulate the cleaning and repairing of all streets and sidewalks; to condemn land for any purpose necessary; to establish and regulate
Markets.	a market or markets, take all proper and effectual means for extinguishing conflagrations and fires; make regulations to cause the
Fires.	due observance of Sunday; suppress and remove nuisances; take
Observance of Sunday; nuisances.	all necessary measures to preserve the town from contagious and
Contagious diseases.	infectious diseases; to provide for the appointment of special police,
Peace officers.	and other officers needed, take measures to preserve the peace of the
Cemeteries.	town, to execute the laws and ordinances thereof, and maintain good order; to establish one or more cemeteries inside or outside of the
	town, of such dimensions as they may deem proper, and make rules regulating the same, and to lease, sell and convey burial lots to persons and families on such terms as may be deemed best, and also
	provide a common place of burial therein, and to exercise the right to take up and re-inter in some other part of the cemetery, or in
	some other burial ground, the remains of any person or persons interred in said town, for the improvement or better health of the
	town, or for better arrangements of the cemetery, or for advancing
	the interests of the town, as they may deem best; to enact and enforce such laws and ordinances as they may deem necessary to preserve
Health.	the health of the town, determine when necessary the boundary
Streets, alleys, etc.	of streets and alleys, establish new streets, lanes and roads and
	alleys, and sidewalks; to provide for licensing and restraining shows,
Shows, etc.	circuses, menageries, auctions, theatricals and public amusements in
Gambling.	the town; to restrain and prohibit gambling and the sale of
Intoxicating liquors.	fermented liquors and intoxicants of all kinds; to prohibit or control
Fire-arms, fire-works, etc.	firing of fire-arms and fire-works and explosives of every description, including fire-crackers, torpedoes, cannon-crackers, canton-crackers,
	Roman-candles, sky-rockets, and such like, and other explosives, and
	to govern the sale of such fire-arms and fire-works; to control the
Stove flues.	manner of arranging stove flues and pipes in buildings; to control



the manner in which dynamite, blasting powder, gunpowder and other explosives and highly inflammable and dangerous substances may be stored and sold; to prohibit, or prescribe the manner of, keeping hogs in the town; to prescribe the manner in which dogs shall be kept; to limit the speed at which horses and other animals may be driven through the streets, or at which railroad trains, bicycles, automobiles and other conveyances shall be run through the town; to prohibit railroads from stopping their engines or cars on street crossings, and to require railroad companies to keep the crossings of streets over their railroads in good repair; to cause all alleys, streets, street lots, cellars, privies, stables and places of like character to be examined by the Constable, or other officer duly appointed for that purpose, and to cause by their order the said officer to have said place cleansed, and the nuisances abated; and if the premises be fire rate property, the same shall be cleansed and the nuisance abated at the expense of the owner or occupant thereof; and the Constable or other person having that duty in charge shall be empowered to visit and inspect any and all premises in the town, and to have the same cleansed, and the expense of the cleansing of such places and removing the nuisance shall be recovered from the owner or occupant thereof, by action in any court having jurisdiction.

SEC. 15. The Commissioners shall have the power to impose and lay appropriate fines, penalties and forfeitures for the breach of the by-laws and ordinances of the town, to levy and collect taxes on all real and personal property, taxable, in the town, to levy and collect license taxes on all trades, privileges, callings, professions and occupations, not specifically exempt from taxation by towns, and to prohibit the carrying on within the town or within one mile thereof of all trades or occupations which shall be a nuisance, and to abate such nuisances and to cause their removal. They shall have power and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupant of such lot the expense of removal, draining or filling up, in or on, or of said lot, as the case may be, which expense shall be a lien on the lot: *Provided*, the owner, or if the owner be a non-resident of the town, then the occupant shall have ten days' notice of such intention, and he shall have failed or refused to remove or abate such nuisance; and *Provided further*, that ten days' notice by mail shall have been given the owner thereof, if his residence be known, by mailing addressed to him a statement of the condition and intention to remove or abate the nuisance, after ten days, in case he fails to act, and that it will be done at his (owner's) expense.

SEC. 16. The Commissioners shall have the right to grant, control, or rescind, at their discretion any franchise, privilege or permit

Selling dynamite, blasting powder, etc.

Hogs.  
Dogs.  
Fast driving.  
Speed of trains and vehicles.

Railroad crossings.

Sanitary affairs.

Power of commissioners as to:  
Fines and penalties.  
Taxes.

Special taxes.

Trades which are a nuisance.

Drainage.

Franchises.

given to any person, company or corporation, or firm, to erect on, along, or under the streets of the town or any of its alleyes, any work, piping, electric wires, telephone or telegraph wires, street-car lines or other structure in which the people have an interest, as a matter of convenience or otherwise.

**Parks.**

SEC. 17. The Commissioners shall have the power to establish, acquire, improve and control parks or other places for pleasure grounds, for the use of the inhabitants of the town, and may pass ordinances for the proper protection and government, regulation, maintenance and control of the same. They may also protect and

**Shade trees.**

control the shade trees planted and growing on the streets and alleys and public places of the town, or which may be hereafter planted and growing on any public street, alley or public square or grounds in said town, and may remove any such from time to time or plant others as may seem best. The Commissioners

**Telegraph, telephone and electric poles.**

may also grant permission to erect telephone, telegraph, electric light, or street-car poles, or other poles upon the streets, sidewalks, alleys, public grounds and parks of the town, or prohibit or prevent such erection of the same, and may control and regulate all such poles as have been erected and the use of the same and the manner of their use; and may remove or cause any of the same or all of the same to be removed at any time in such manner and upon such notice as the Commissioners shall deem just and proper.

**Ways to and from trains.**

SEC. 18. The Commissioners shall have the power to make all proper regulations concerning keeping the ways open to and from arriving and departing trains in the town, for the interest of the traveling public and to facilitate the business of persons attending the same; to prohibit the jumping on or off of moving trains in the town on the part of those not operating the same and not holding a ticket, nor boarding the same with the intention of presenting a ticket or paying regular passenger fare thereon, at least to the nearest station out of town.

**Jumping on or off moving trains.**

**Structures on, over or under streets and public grounds.**

SEC. 19. The Commissioners shall have the power to control, regulate, license, prohibit, remove or cause to be removed any and all structures, and things erected, constructed, put or placed on, or over, or under, any streets or sidewalks or alleys of the town, or on or over, or under, any public grounds in the town.

**Privileges, benefits, etc., conferred on other towns applicable.**

SEC. 20. All privileges, powers, and benefits, conferred upon the Commissioners of other towns in the State under the general laws for government of towns and cities, are hereby conferred upon the town of Laurinburg.

**Present ordinances, etc., to remain in effect. Present officers continued.**

SEC. 21. All ordinances, rules and by-laws lawfully in force at the passage of this act shall remain in force until regularly repealed, and the officers now acting shall continue to serve until their successors are elected and qualified. All laws heretofore enacted for the restraint and suppression or the sale of intoxicating liquors in

the town are to remain in full force and effect, and all such laws are hereby expressly re-enacted for the said town and territory affected by the said laws.

Prior laws against sale of intoxicating liquors to remain in effect.

SEC. 22. The Treasurer shall call upon all persons having any moneys or securities or other thing of value the property of or belonging to the town, which ought to be paid into the treasury or into the keeping of the Treasurer, and shall require said parties to pay and deliver over said articles to him, and he shall safely keep them for the use of the town. He shall disburse the funds of the town according to such orders as shall be drawn on him according to law.

Persons having money or property belonging to town to pay and deliver them over.

He shall keep in a book provided for that purpose, a fair and accurate account of all receipts and disbursements, and shall submit his books from time to time to the Mayor and Commissioners for inspection, and shall report regularly from time to time, the moneys received, and paid out by him, which report shall show the sources from which he received moneys, keeping the several funds separate, so that the Board of Commissioners may know what is chargeable and what is to be credited to the several funds, an account of which should be kept. At the expiration of his term, the Treasurer shall turn over to his successor in office all moneys and things of value, all books and accounts in his hands belonging to his office. He shall prepare an annual statement as required by law of the receipts and disbursements of his office, and shall submit the same to the Board of Commissioners, who shall audit the same, and if correct shall post the same or a copy thereof at some conspicuous place in the town.

Funds of town, how disbursed.

Submit books to mayor and commissioners.  
Treasurer's report.

At end of his term, treasurer shall turn over all things belonging to his office to his successor.  
Treasurer's annual statement.

SEC. 23. All orders drawn on the Treasurer shall be by order of the Commissioners and shall be signed by the Mayor and attested by the Clerk, and shall state on the face thereof the purpose for which the money is to be applied, which purpose the Treasurer shall state in his record of payment.

Orders drawn on treasurer.

SEC. 24. Before entering upon the duties of his office, the Treasurer shall enter into bond with sufficient sureties in an amount to be approved by the Commissioners, payable to the State of North Carolina, the condition of which shall be his faithful and correct discharge of his duties, and the form thereof as commonly prescribed for bonds for treasurers of counties.

Treasurer's bond.

SEC. 25. The Clerk, herein provided for, shall attend all meetings of the Commissioners, and be the clerk thereof: he shall keep a correct minute of the proceedings of the meeting: draw all orders on the Treasurer and counter-sign the same: he shall make copy for executing all deeds for town purposes, unless otherwise directed by the Board of Commissioners, or the Mayor. He shall preserve all books and papers of the corporation intrusted to him and all bills presented and allowed and ordered paid, with indorsements of committees having same in charge prior to allowance of same. He shall make

Duties of the clerk.

	entry of account in a separate book provided for that purpose, of all orders drawn on the Treasurer for the payment of money, and all orders releasing and correcting taxes, or other funds or accounts. He shall make a record of the sum total of taxes chargeable to the Tax-collector under each head, each taxing year, and as the Treasurer reports collections, shall make proper credits on each fund, so that he shall present a complete statement of the finances of the town in the aggregate whenever called upon so to do, and shall keep other necessary accounts as the Commissioners may direct, to facilitate the auditing of the finances of the town. He shall indorse the tax books when made out, in a manner substantially as the tax books of the county are or may be required to be indorsed before delivery to the sheriff, and when so indorsed the books shall be and have the full force and effect of an execution in the hands of the Tax-collector as fully as the tax books of the county in the hands of the sheriff of the county.
Tax books to have force and effect of an execution.	
Constable may be tax-collector.	SEC. 26. The Constable may be the Tax-collector, and unless another be appointed and duly qualified, he shall collect same. The Tax-collector shall be invested with all the power of the sheriff of the county in the collection of taxes.
Duties of constable.	SEC. 27. The Constable shall see that the laws and ordinances and orders of the Commissioners are enforced, and shall report all breaches thereof to the Mayor. He shall preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose shall have the power and authority invested in sheriffs and other constables. He shall execute all warrants and precepts or other processes lawfully placed in his hands by the Mayor or others for execution, and shall have the same power in the execution thereof anywhere in Scotland county that the sheriff may have. He shall have the same fees as prescribed for service of process and collection of taxes when he collects the same as the sheriff of the county has for collecting taxes, and shall be subject to the same penalties for failure to perform his duty. He shall have such other compensation as the Commissioners shall allow.
Fees.	
Penalties for failure to perform duty.	
Jailer of Scotland county to receive prisoners taken in night time without mittimus.	SEC. 28. The sheriff and jailer of Scotland county is hereby required to receive without mittimus or other commitment, into the common jail of said county when presented at the door or common entrance thereof, such prisoners as shall be apprehended by the Constable or police of the town of Laurinburg in the night time, and he shall keep such prisoners until the following morning until eight o'clock, when the offender shall be brought before the Mayor, or some resident justice of the peace of the town, to be lawfully dealt with. For such service the jailer shall have the usual fee as he is entitled to in other cases, to be paid by the offender, if adjudged guilty, but if not adjudged guilty of the charge and it be an offense against the State law (or common law) with which he is charged, the county
How long to keep.	
Jailer's fees.	
How paid.	

shall pay as in like cases before justices of the peace; but if the prisoner be charged with an offense against the laws of the town, and adjudged not guilty, the town shall pay the jail fees.

SEC. 29. The Constable and policemen of the town shall be governed by the regulations provided for and clothed with the powers conferred upon its officers by the State of North Carolina, and when arrests have been made, the prisoner, or prisoners, shall be immediately carried before the Mayor, or some other competent officer for trial, except in the following cases: (1) When the arrest is made between sunset on Saturday and eight o'clock on Monday morning; (2) when the arrest is made in the night; (3) when the person arrested is found in an inebriated or intoxicated condition; (4) when for the safe-keeping of the party arrested, imprisonment is necessary. In any of these cases the prisoner may be committed without mittimus or warrant of commitment to the county or town jail until his trial before the Mayor or other officer, which cannot be compelled, except between the hours of eight o'clock in the morning and sunset on all the days of the week except Sunday, and on Sunday, not at all. And in such cases the keeper of the county or town jail shall receive prisoners under this act without mittimus.

Constable and policemen.

Prisoners, how dealt with.

When prisoner may be committed to county jail.

SEC. 30. That arrests shall be made by the Constable or any policeman of the town in the following cases: (1) Whenever he shall have in his hands a warrant duly issued by the Mayor of Laurinburg or other judicial officer, who may issue warrants to such officers; (2) whenever any misdemeanor or the violation of any town ordinance shall be committed in his presence; (3) whenever any misdemeanor or the violation of any town ordinance has been committed and he has a reasonable cause to believe that the suspected party may make his escape before a warrant can be obtained. Whenever any arrest is made by any town officer it shall be lawful for him to subpoena any by-stander as witness or witnesses, and such subpoena shall be as binding as though made with a written subpoena from any competent authority to issue same.

When arrests made by constable or policemen.

Lawful to subpoena by-standers to aid in arrests.

SEC. 31. The Commissioners shall be empowered to take such measures as they may deem effectual to prevent the entrance into the town of any contagious or infectious disease; may stop and detain and examine for that purpose, any conveyance or vehicle, public or private, or any passenger coming from places believed to be infested, and if necessary detain or turn back suspected persons from such infested district; they may regulate and establish hospitals and pest-houses within, or within three miles of the town; may cause any person in the town suspected to be infested with the disease, and whose stay may endanger health, to be removed to such hospital or pest-house, in or out of town, and may remove from the town or destroy any furniture or other articles which may be suspected of being tainted or infested with contagious or infectious diseases, or of

Powers of commissioners in regard to contagious or infectious diseases.

which there shall be reasonable cause to apprehend that they will pass into that stage or state so as to generate or propagate such disease, and the town or any person acting for it shall not be liable for loss incurred by such destructions.

Person with contagious disease removed to hospital or pest-house liable to town for all expense, medical attention, etc.

SEC. 32. That in case any person be removed to any hospital or pest-house, as provided in the preceding section, the Board of Commissioners may recover before the Mayor or any justice of the peace the expense of the removal, support, nursing and medical attendance of such person, in an action by the town against such person, his guardian or representatives, as the case may require, and in case of the death of such party, and the town bears the expense of burial, such expense shall be recovered in an action against the proper representative of the deceased.

Power to stop, detain and turn back vehicles and passengers.

SEC. 33. The Board of Commissioners may take such measures as may be deemed best to stop and detain and turn back passengers and conveyances and persons within three miles of the town, the more effectually to prevent the entrance of such diseases as may be dangerous and contagious or infectious.

Resisting officers.

SEC. 34. That if any person shall threaten or resist the officers of the town in the performance of any duty or privilege conferred upon them, the person so offending shall pay to the town the sum of one hundred dollars, and be deemed guilty of a misdemeanor.

Compulsory vaccination.

SEC. 35. In order to guard against the introduction or spread of small-pox in the town, the Commissioners may require all persons whose physical condition will permit it, to be forthwith vaccinated, if not already sufficiently vaccinated, and may prescribe regulations governing the procuring and producing of proper certificates from reputable physicians covering the provisions of this section, and may require personal examination of all persons, by designated physicians.

Abatement of nuisances.

SEC. 36. The Commissioners may require and compel the abatement of nuisances, and require the removal of the same, at the expense of the owner or occupant of the premises, whoever the same be. They may also prevent the establishment of slaughter-houses

Slaughter-house.

in the town, and if established, may remove the same, regulate, control the same, or the exercise of any offensive dangerous or unhealthful business, trade or employment in the town.

Offensive or dangerous business or trades.

Streets and alleys.

SEC. 37. That all streets and alleys open now in the town, and all public ways and roads, shall be and continue streets or alleys, as the case may be, until lawfully closed up by the Commissioners of said town, and it shall be a misdemeanor to obstruct the same unlawfully; and after notice from the Constable to remove the obstruction, each day the obstruction remains shall constitute a separate offense, for which the Commissioners shall impose suitable fines and penalties.

Obstruction a misdemeanor.

Penalty.

Constable to pay over fines and funds to treasurer.

SEC. 38. The Constable shall pay over to the Treasurer as often as once per week all fines and other funds collected by him, which should be paid to the Treasurer, and all fines imposed by the Mayor

for offenses tried before him, shall be paid into the treasury of the town for the use of the town. All penalties collected shall be paid over to the Treasurer upon collection of the same.

SEC. 39. The Commissioners may enlarge, widen, or decrease streets, extend or close same, as may be deemed best, and may condemn lands for same upon making reasonable compensation for the same. In case of disagreement of the town and the party interested, it shall be lawful to proceed to use the same, and to appoint two freeholders, resident of the town, who shall arbitrate the same, one to be appointed by the town, the other to be appointed by the owner or his agent, and if the owner fails or refuses to make such appointment, after five days' notice personally, if he be a resident, or ten days' notice by mail, if he be a non-resident, the Commissioners shall provide for such appointment, and the two appointed shall select a third person, resident freeholder, who shall act with them, and after duly sworn, shall view the premises, and considering the loss to the owner and the consequent improvement to his remaining property, shall determine his net loss, if any, and assess the same, and the town shall pay the same: *Provided*, that either party may appeal to Superior Court, but the appeal shall not obstruct proceedings of the Commissioners.

Power to make or change streets and condemn land therefor.

Condemnation procedure.

Appeal.

SEC. 40. That all penalties incurred by any minor for the breach of any ordinance, or the provisions of this act, may be recovered from his parent, guardian, or master (if the minor be an apprentice) of such minor.

Parent, guardian or master responsible for fines, etc., of children, etc.

SEC. 41. That the compensation of the officers herein provided for, if any further compensation than as herein set forth shall be made them, shall be determined by the Board of Commissioners at their first meeting after they shall have qualified and assumed the duties of their offices.

Compensation of officers.

SEC. 42. That any person elected a Commissioner, as herein provided, who shall fail to qualify in apt time, shall be guilty of a misdemeanor and fined not less than twenty-five dollars, upon conviction.

Failure of officer to qualify a misdemeanor.  
Penalty.

SEC. 43. That the Commissioners shall have power annually to levy and collect a tax for general purposes not to exceed thirty-three and one-third cents on the one hundred dollars worth of property within the corporate limits of said town, or lawfully taxable therein, and on all polls residing or taxable in said town, on the first day of June in each year, a tax not exceeding one dollar: *Provided*, that in all levying of taxes the constitutional equation shall be preserved, so that the tax on the poll shall be the same as the tax on three hundred dollars valuation of property.

Power to levy and collect taxes.

Amount.

SEC. 44. That the Mayor or other person by direction of the Commissioners shall procure from the records of the Register of Deeds of Scotland county a true copy of list of assessments of the value

Assessment of property.

of property, real and personal, which have been returned to him, and upon which town taxes can be levied under this act, situated within the town of Laurinburg, and such other records pertaining to matters taxable by the town as may be kept in his office. The Board of Commissioners shall have all the power given to the county of Scotland pertaining to the revision of the tax-list, except the power to alter the valuation of real estate: *Provided*, that when any piece of real estate is situated partly within and partly without the town, and the same has not been valued, as to that within and that without the town, separately, the Commissioners of said town shall have the said real estate so situated, valued on the town list, so that only the part situated within the town shall be subject to town tax.

Listing taxes.

SEC. 45. That the citizens of said town, and others liable to pay taxes under this act, shall on the day prescribed by law for listing State and county taxes, render under oath to the Mayor or other person designated by the Commissioners, who shall be tax-lister for the town, and for that purpose shall be empowered to administer oaths, a list of such property taxable under this act and which is liable for town tax, 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 by law for listing State and county taxes, he shall pay double the tax assessed on any article for which he is liable to be taxed under this act.

Tax-lister to make out list, when.

SEC. 46. That the tax-lister shall make out said tax-list and after it is completed, and not later than the regular meeting of the Commissioners in September in each year, the Commissioners shall revise the same, and place the list, containing the order of the Clerk to the Tax-collector, to collect the same in the hands of the Tax-collector, and it shall have all the force and virtue of a judgment and execution in the hands of the Tax-collector, against the property named therein, without right of homestead or personal property exemptions, as in the case of taxes due the State and county. The said Tax-collector shall proceed with the collection of the said taxes

Revision thereof.

List placed in hands of collector. Force and effect thereof.

Collection of taxes.

on said list and complete the same by the first day of December following: *Provided*, that the Commissioners may extend the time for such completion of collection to date not later than June first next following, and the Tax-collector shall pay over all moneys as collected, at least once per week, to the Treasurer and take his receipt for the same, which receipt shall state the source or nature of said taxes. On the first day of December, or the time fixed by the Commissioners, not later than the first day of June, there shall be added one per centum on all taxes due, and on the first of each month thereafter one per centum additional, until the tax is paid. And the Tax-collector of the town shall be the Constable thereof, unless the Commissioners shall elect another person, which they are authorized to do.

Collector to pay over moneys to treasurer and take receipt for same.

One per cent. added to taxes due after December 1st, and then one per cent. per month till paid. Constable to be tax-collector.



SEC. 47. That all persons who are liable for a poll-tax to said town and shall willfully fail to make return thereof, and all persons owning property subject to tax and who willfully fail to list the same as provided herein, shall be deemed guilty of a misdemeanor to the same extent as for failure to list State and county taxes, and on conviction thereof, before the Mayor of the town, shall be fined not more than twenty dollars, or imprisoned not more than ten days, and it shall be the duty of the Tax-collector to prosecute all offenders under this section: *Provided*, any person prosecuted under this section may be discharged by the Mayor upon payment of double the amount of tax found to be due by him to the town, together with the costs of the prosecution.

Failure to pay taxes a misdemeanor.

Penalty.

Duty of tax-collector to prosecute delinquents.  
Proviso.

SEC. 48. That if any person liable to pay any tax shall fail to pay the same within the time prescribed for collection, the Collector shall proceed to collect the same forthwith by distress and sale, after public advertisement for ten days at the court-house door in said town, if the property be personal. That when the tax due on any lot or other real estate, or interest in the same shall remain unpaid on the first day of December, or the time prescribed by the Commissioner for completing the collection of taxes, the Tax-collector shall proceed to collect the same by distress and sale of personal property belonging to the owner of said lot, real estate or interest in real estate, if enough of such personal property can be found; or if enough of personal property cannot be found, the Tax-collector shall report the facts to the Commissioners, together with a particular description of the lot, real estate or interest therein, and thereupon they shall direct the same to be sold at the court-house door in the town of Laurinburg by the Collector. The Collector shall, before selling the same, make full advertisement of the said real estate at the court-house door, and three other public places in the town for thirty days, and shall serve upon the owner or his agent, if the owner or his agent reside in the town, a written or printed notice of the taxes due and the day of sale, or if the owner or his agent be, one, or both, non-residents of the town, he shall mail notices as above, to them or either of them, if their place of residence is known. In default of the payment of the taxes by the hour and day of sale aforesaid, the Tax-collector shall sell at the court-house door, in the town of Laurinburg, the lot, real estate or interest therein, to the highest bidder for cash, and if no person will bid enough to pay the taxes and penalties and expenses for said property offered, the Tax-collector shall bid on behalf of the town, the amount of said taxes, penalties and expenses, and no higher bid being offered, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to the town absolutely. The Collector shall return to the Commissioners a statement of his proceedings, specifying the purchase and the price, which shall be entered upon the

How collector to proceed upon failure to pay after time prescribed for payment of taxes.

Provisions for sale of real and personal property for taxes.

Town may buy property sold for taxes.  
Return of tax-collector.

book of the proceedings of the Commissioners, and if there be a surplus after taxes and expenses paid, how disposed of, surplus after paying said taxes, penalties and expenses, the same shall be paid into the town treasury, subject to the demand of the owner.

Redemption of land sold for taxes. SEC. 49. That the owner of any lot, real estate or interest in real estate, sold under the provisions of this act, his heirs, executors, administrators or any person acting for them, may redeem the same within one year from the date of sale by paying to the purchaser the amount by him paid, and twenty-five per cent. in addition thereto.

Failure to redeem, deed to be executed. SEC. 50. That if the lot, real estate, or interest in real estate sold as aforesaid, shall not be redeemed within the time specified, the Collector, or his successor, under the direction of the Mayor of the town, shall convey the same to the purchaser in fee-simple, or to his assigns in fee. In the event the town is purchaser, the Collector or his successor shall convey to the corporation of the "Town of Laurinburg," and the recitals in such conveyance or in any other conveyance, made by any Tax-collector of said town, shall be *prima facie* evidence of the truth of the same and cannot be attached, except on the ground that the taxes were not due and unpaid at the date of sale.

Force and effect of recitals in such deeds.

Specific or license tax.

SEC. 51. That in addition to the tax on real and personal property and polls hereinbefore provided for, the Commissioners shall have the power to levy and collect a specific or license tax on all trades, callings, professions or occupation and manufactories, not specially exempted by general law, merchants, brokers, peddlers, oculists, venders of any article whatever, hotels, restaurants, circuses, shows, plays, theatricals or exhibitions of any kind in the town or within one mile of the corporate limits of the same, concerts, strolling musicians, auctioneers, conveyancers, banks, lawyers, physicians, photographers, dentists, brokers, soliciting agents, telegraph and telephone companies, agents of all kinds, including sewing machine, lightning-rod and insurance agents, dealers in fresh meats, fish, etc., fertilizer agents, ice-cream and other saloons, draymen, livery stables, sales stables, dealers in millinery goods, and on all dogs, and on all drays and wagons for hire.

Specific taxes on express, telegraph, gas, electric light power, street-railway and electric companies.

SEC. 52. The Commissioners may levy and collect specific taxes on every express company, telegraph company, gas company, electric light company, power company, street railroad, electric company doing business or having an office in said town, a license tax not exceeding in amount one-fourth of one per centum of its gross receipts on its business in said town during the preceding year up to and including the thirty-first day of May next before the date fixed for paying such license tax; and the manager, or agent in charge of the business of any such company in said city on the first day of June in every year, shall on that day, or if that be Sunday or a legal

Return of agent or manager.

holiday, on the next thereafter, make to the tax-lister designated by the Commissioners as such, or if none be designated, to the Mayor, either of whom, as the case may be, shall have the power to administer oaths in such cases, a written return under oath, signed by him, of the amount of such gross receipts. The failure or refusal of any manager or agent to make such returns on the day fixed for that purpose shall make such manager or agent guilty of a misdemeanor, and on conviction he shall be fined not more than fifty dollars or be imprisoned not more than thirty days. The amount of such tax, on the failure or refusal of such manager or agent to make the returns as herein required, shall be determined by the Board of Commissioners at their next meeting after the day on which the said return should have been made, or at some other meeting thereafter before the first of August of each year, and they shall fix the amount of such gross receipts as nearly as they can do so, and they shall levy one-fourth of one per centum thereof as the amount of the license tax. On every shooting gallery, billiard table (not for private use alone), bagatelle table, pool table, not for private use alone), or other place of any game or play, bowling alley, or alley of any like kind, with or without name, kept for profit or kept in a house where any articles of prepared food are sold, or any restaurant or hotel, a privilege tax not exceeding one hundred dollars. On every flying-jenny, merry-go-round or mechanical contrivance for amusement within the town or one-half mile thereof, run for profit, a tax not exceeding five dollars for each day or part of a day the same is run. If the tax is not paid in advance it shall be double the amount.

Failure or refusal to make returns a misdemeanor. Penalty.

Amount of tax, how fixed.

Other license taxes

Specific license taxes.

SEC. 53. The Commissioners shall provide for the establishment, organization and equipment of such fire companies as they deem practical, and provide for the government of the same, and the pay of its members, if any; and in case of a fire occurring in the town, the Mayor, or a majority of the Commissioners, present at a fire, may order the blowing up, pulling down, or destroying of any house or houses deemed necessary to stop the progress of the fire. And no person shall be held civilly or criminally liable for any damage resulting from his act and deed in obedience to such orders. They shall also establish fire limits within said town, within which it shall be unlawful for any person, firm or corporation, to erect, build, or repair any wooden house or houses or make any wooden additions thereto, or cover any building with any material other than slate or metal. They may also prohibit wooden buildings from being removed from place to place within said fire limits, or from being removed from without, into said fire district or limits, under such penalties as the Commissioners shall establish, which penalties may be sued for and recovered from the owner in any action in any court having jurisdiction.

Fire companies.

Destroying buildings to stop fire.

Fire limits, unlawful to build wooden houses therein, etc.

Removal of wooden buildings within or into fire limits.

Penalties.

Warrants of mayor, by whom served and where enforced.	SEC. 54. The warrants of the Mayor may be issued to and served by any officer to whom a justice of the peace of the county could issue like or similar process, and may be enforced anywhere in Scotland county, or elsewhere that a warrant or process from a justice of the peace of the county could be enforced.
Convicted persons to work out unpaid fines on streets.	SEC. 55. Any person convicted and adjudged to pay fine or costs according to laws of the town, may be required, if a male, to work out the same on the street or other public works of the town, under the supervision of the person or officer having the working of the streets in charge, at a fair rate of wages for the work done, to be determined by the Mayor and supervisor of such work.
Power to borrow money with consent of majority of qualified voters.	SEC. 56. That in addition to the powers hereinbefore conferred, the Board of Commissioners shall have power and authority to borrow money with the consent of the majority of the qualified electors voting at an election of the town held after thirty days'
Notice of election.	notice in a newspaper published in the town, at which election those who consent to the proposition shall vote "Approved," and those who do not consent shall vote "Disapproved," which said indebtedness, when approved by a majority of the qualified voters, shall be evidenced by the bonds of the town, signed by its Mayor and attested by the seal of the town and the signature of its Clerk or Secretary. And it shall be lawful for the Board of Commissioners to frame an ordinance, setting forth the sum appropriated, the time or times of payment, and such other details as they may deem proper, together with the purpose for which the money is to be expended, which may be for a system of sewerage, water-works, electric or other lighting, or other like public convenience or necessity. And when such ordinance is submitted for ratification, those favoring it shall vote as aforesaid, "Approved," and those voting adversely shall cast a ballot with the word "Disapproved" thereon: <i>Provided</i> , that said election may be at the time of the regular election or at any other time selected by the Board of Commissioners; and <i>Provided further</i> , that the Board of Commissioners may submit more than one ordinance at the time, on different subjects, however, for ratification, in which event there shall be separate boxes for receiving the ballots, and in addition to the words indicated above for the ballots to contain, they shall set forth each the subject-matter of the ordinance, in simple words, the form of which shall be prescribed by the Board of Commissioners, and advertised with or in the ordinance aforesaid. But no bonds or other indebtedness of the town shall be issued or created in excess of one-tenth of the valuation of the property of the town as shown by the tax-list of the preceding year; nor shall any sum be borrowed in excess of an amount which, added to the previous indebtedness of the town then owing, shall exceed one-tenth of the taxable property of the town ascertained as aforesaid, it being the intention hereof to prevent the entire indebtedness of the town at any one time from
Name of ballots.	
Bonds.	
Ordinances relative to appropriations.	
What appropriation may be for.	
Form of ballots.	
When special election may be held.	
May submit more than one ordinance at one election.	
Must be separate boxes.	
Form of ballots.	
Maximum amount of bonds or indebtedness.	

exceeding the one-tenth aggregate value of the property of the town according to tax value of previous year; and in any proposition published in any newspaper submitted to the qualified voters of said town, as above prescribed, shall be included the statement of the then existing indebtedness of the town, together with the amount of indebtedness proposed to be created by said election. That before any election, or any proposition for an election to create any indebtedness shall be submitted to the qualified voters of said town, an ordinance to that effect shall be passed by three-fourths majority of the board at two separate meetings of the board. All propositions to borrow money submitted to the qualified voters of the town shall provide for the payment of interest on the amount so proposed to be borrowed, and shall fix the limit of taxation on the one hundred dollars of taxable property and on the taxable polls of the town, observing and preserving the constitutional equation of taxation, naming the tax on the poll equivalent to that on three hundred dollars worth of property. The said election shall be held under the provisions of this charter providing for the election of officers by popular vote, but may be held at such time as the Board of Commissioners shall designate, either at a regular election or any other time: *Provided*, that no bonds of the town shall be sold at less than par.

Advertisement of election, what to contain.

Ordinance for election on appropriation, how passed.

Proposition to borrow money submitted to voters, what to contain.

Election, how and when held.

Proviso.

SEC. 57. That the Board of Commissioners may in like manner enact an ordinance raising the limit of taxation to a sum not exceeding three times its present limit, as herein fixed, on the property valuation and poll, preserving the equation required by the Constitution, and submit such proposition to the qualified voters, after publishing the same for thirty days and calling for an election thereon, at which election those voters favoring the increase shall vote a ballot on which shall be the words "Increase of Taxation Approved," and those opposing same shall vote a ballot on which shall be the words "Increase of Taxation Dis-approved." And if a majority of the qualified voters cast their votes for "Increase of Taxation Approved" the same shall be the law as full as if herein enacted; but if not, the same shall be null and void.

Raising limit of taxation to be submitted to qualified voters.

Publication.

Form of ballots.

Effect of result of election.

SEC. 58. That this act shall be in force from and after ratification: *Provided*, that all laws heretofore constituting the charter of the town of Laurinburg, and affecting the governing thereof, are continued in full force and effect, unless in direct conflict with the provisions of this act.

Provision as to former charter.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

CHAPTER 125.

AN ACT TO INCORPORATE THE TOWN OF RAEFORD, IN CUMBERLAND AND ROBESON COUNTIES.

*The General Assembly of North Carolina do enact:*

Rae-  
ford  
incorporated.

Corporate powers  
and restrictions.

Officers.

Officers, how  
elected.

Names of mayor  
and commission-  
ers.

Other officers to  
be appointed.  
Terms of office.

Corporate limits.

Elections, when  
and how held.

SECTION 1. That the town of Rae-  
ford, in the counties of Cum-  
berland and Robeson, State of North Carolina, be and the same is  
hereby incorporated under the name and style of the town of  
Rae-  
ford, and the said town shall have all the powers and be  
subject to all restrictions of chapter 62 of The Code for the gov-  
ernment of incorporated towns, and all acts of the General Assem-  
bly of North Carolina amending the same not inconsistent with  
this act.

SEC. 2. That the officers of the said town shall consist of a  
Mayor, five Commissioners, a Constable, a Clerk and a Treasurer,  
and as many Policemen as may be necessary in the opinion of the  
said Commissioners, for preserving peace and good order therein.  
That the Mayor and the five Commissioners shall be elected by the  
qualified voters of said town as hereinafter provided. That the  
other officers of said incorporation shall be elected by the Com-  
missioners. That until the first election under this act shall be  
held, and the officers found to be elected by the same shall have  
qualified, B. F. Moore shall be Mayor and J. W. McLauchlin,  
Neill McGill, Daniel MacKethan, J. W. Johnson and Neill S. Blue  
shall be Commissioners of said incorporation, and that the said  
Commissioners shall elect the Clerk, Treasurer, Constable and  
Policemen herein provided for, whose terms of office shall ex-  
pire with the terms of the said Commissioners.

SEC. 3. That the corporate limits of said town shall be and in-  
clude all the territory embraced within the following boundaries,  
to-wit: Beginning at an iron bar sunk in the centre of Main  
Street, sixty chains north of an iron bar sunk in the centre of  
the crossing of Main Street and Central Avenue, and running  
east sixty chains to a corner; thence south one hundred and  
twenty chains to a corner; thence west one hundred and twenty  
chains to a corner; thence north one hundred and twenty  
chains to a corner; thence east sixty chains to the beginning.

SEC. 4. That there shall be held on the first Monday in May,  
*Anno Domini* nineteen hundred and one, and on the first Monday  
in May in every year thereafter, an election in said town for  
Mayor and five Commissioners thereof; that such elections shall  
be held in accordance with the laws and regulations governing  
other public elections in the State, at the time of holding these  
elections.

SEC. 5. That no person shall be eligible to any office in said town unless he be a duly qualified voter therein. That the terms of office of the Mayor and Commissioners shall begin on the Tuesday following the election in each year, and before entering upon the discharge of their duties attending the said offices, they shall each take the oath prescribed by law for public officers before some Justice of the Peace of the county or counties in which the town may be situated at the time of such qualification.

Eligibility to office.

Terms of office.

Oath of office.

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 tempore*, 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 he shall have the criminal jurisdiction of a Justice of the Peace within the limits of the said town, and shall have power to sentence any person found guilty of any misdemeanor or violation of any rule, regulation or town ordinance, and on conviction to impose a fine and penalty not to exceed fifty dollars, and any person refusing to pay such fine or penalty shall be sentenced to work on the streets in the town at a rate per diem to be fixed by the Commissioners until such unpaid fines shall have been paid.

Mayor to preside at commissioners' meetings.

May call special meetings.

Mayor pro tem.

Jurisdiction of mayor.

Persons failing to pay fines may be worked on streets.

SEC. 7. That in addition to the powers conferred upon the Commissioners by said chapter 62 of The Code of North Carolina and the acts of the General Assembly amending same, they shall have the power to open, change, enlarge and discontinue streets in said town, and may condemn land for this purpose or for other necessary town purposes upon making just compensation to the owners thereof. That in case the said Commissioners shall decide to condemn any land for such purposes, they shall appoint one freeholder in the town who is a disinterested party and allow the owner or owners of the land five days time in which to select another; the two then selected to select a third party, the three to comprise a Board of Appraisers, and after this Board of Appraisers shall have given the owner or owners of any property the required five days' notice to appear before them and contest the matter of condemnation, if they so desire, they shall proceed to view the land and shall assess the damage at whatever sum they may deem just and proper, which sum shall then be paid by the town to the said owner or owners. But in case the owner or owners of land decline or fail to join in arbitration, then the Commissioners may appoint three disinterested freeholders of the town, who shall, after giving the required five

Powers of commissioners as to streets.

Condemnation of land for street purposes, procedure.

Appeal.	days' notice to the owner or owners of lands, proceed to assess the damage as they deem just, the same then to be paid by the town, and the owners shall have the right to appeal to the Superior Court of the county in which it may be, from the assessment of said appraisers, notice to be given within ten days thereafter.
Power to levy taxes.	SEC. 8. That the Commissioners shall have power to levy and collect taxes upon the real and personal property and polls of
Amount of taxes.	the town, the property tax not to exceed thirty-three and one-third cents on the one hundred dollars valuation, and the poll tax not to exceed one dollar on each poll taxable under the laws
Valuation of property for taxation.	of the State, and the valuation of all property shall be the same as that at which it is assessed for taxation by the State and
Tax listing.	county for their purposes. That the taxes shall be listed with the Clerk of said town during the first twenty days in June in
Failure to list, double taxed. Proviso.	each year, and all persons failing to list their taxables shall be liable to double tax: <i>Provided</i> , the Clerk 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
What shall be listed.	shall be as binding upon the tax-payers as if their 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
Copy of list placed in hands of constable, force and effect thereof.	shall make out a complete list and place a copy of same in the hands of the Constable on the first Monday in September in each year, which shall have all the force of an execution. That said tax list shall be a lien on all real property in said town and all
Property may be sold for taxes.	personal property shall be liable to be seized and sold on ten days' notice for taxes, and real estate may be sold for taxes by the Constable in the same manner as sales are made under executions.
Powers of commissioners to pass ordinances.	SEC. 9. That the Commissioners shall have the power to pass ordinances to be enforced by suitable fines for the preservation of the peace and regulation of the good order of said town. They
Collect privilege taxes.	shall also have the power to levy and cause to be collected such reasonable privilege taxes as they may deem proper on professions, callings, occupations and other business carried on in said town, also a tax on dogs not to exceed one dollar per head.
Dog tax.	SEC. 10. That the Treasurer and the Constable shall each give
Official bonds.	a sufficient bond in a sum to be fixed by the Commissioners, with sufficient security, payable to the State of North Carolina, conditional for the faithful performance of their duties and for the proper accounting for, and paying over to, those entitled to receive the same, all sums of money which may come into their hands by reason of their respective offices; that all Policemen shall give bonds if required by the Commissioners in a sum to be



fixed by the Commissioners, conditional for the faithful performance of their duties; that the terms of office of the Clerk and Treasurer shall be the same as that of the Commissioners electing them: *Provided*, that the Commissioners may remove any person holding office for cause; the Constable and Policemen shall hold office during the pleasure of the Commissioners.

Terms of office of clerk and treasurer.

Removal from office.

Terms of office of constable and policemen.

SEC. 11. That the Board of Commissioners of said incorporation shall not grant license for the sale of spirituous liquors or other intoxicating drinks in said town, nor shall the Board of Commissioners in the county or counties in which Raeford is, or may be located, grant any license to sell spirituous liquors within said town.

Prohibition.

SEC. 12. That no ordinance passed by the said Board of Commissioners shall take effect until the same has been posted for ten days at four public places in said town.

When ordinances take effect.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 126.

### AN ACT TO INCORPORATE THE RUTHERFORDTON RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That R. B. Clark, Jno. C. Mills, W. F. Rucker, Jno. F. Rowland, J. F. Plack, R. S. Eaves, N. B. McBrayer, their successors and assigns, are hereby created and constituted a body politic and corporate, under the name of the Rutherfordton Railroad Company, to have perpetual succession, and under such name to sue and be sued, plead and be impleaded in any Court in North Carolina. That the said company may have and use a corporate seal, and shall be capable of acquiring by purchase, gift or devise, lease or otherwise, estate, real, personal and mixed, and of leasing or selling the same as the interest of the company shall require, and may make such by-laws for the government of the company as may be deemed proper.

Corporators.

Corporate name.

Perpetual succession.

Corporate powers.

SEC. 2. That the capital stock of said company shall be twenty thousand dollars (\$20,000.00) with the power from time to time to increase the same to two hundred and fifty thousand dollars (\$250,000.00), in shares of fifty dollars (\$50.00) each. That it

Capital stock.

Increase of capital stock.

Shares.

Subscriptions.	shall be lawful for subscriptions to be made payable in money, land, materials, labor, stocks, bonds or other securities as may be agreed upon between the company and the subscribers.
Books of subscription.	SEC. 3. That the book or books of subscription to the capital stock of the said company shall be opened by the incorporators or any two of them, acting in person or by proxy, at such times and under such rules and regulations as they may prescribe; that as soon as five (5) per cent of the authorized capital [stock] of twenty thousand dollars shall have been <i>bona fide</i> subscribed, the said corporation shall be entitled to commence operations and exercise all the rights, powers, privileges and franchises granted by this charter; and any two of said incorporators shall have
When to commence operations.	power to call a meeting of the stockholders for the purpose of organizing, giving ten days' notice thereof in some newspaper published in Rutherford County, or three days' personal notice in writing; that at such meeting and at each annual meeting thereafter a president and five directors shall be elected by the stockholders; that they shall hold office for one year and until their successors are elected; that said Board of Directors may
Power to call meeting.	appoint a vice-president, treasurer and such other officers and agents that may be deemed necessary, and fix their duties, and may fill any vacancy occurring in the office of president or director until the next meeting of the stockholders.
President and directors.	SEC. 4. That after the company shall be organized the president and Board of Directors may from time to time open books of subscription to the capital stock of the company at such times and places and under such rules and regulations as they may
Other officers.	appoint and prescribe: <i>Provided</i> , that no subscriptions shall be received beyond the limit that may have been fixed by the stockholders or a majority thereof. That no stockholder shall be liable for more than the amount of his unpaid stock or subscriptions.
Vacancies.	SEC. 5. That the company shall have the right to construct, maintain and operate a line of railroad between the town of Rutherfordton and the South Carolina line at any point in Rutherford County along said State line, or between the town of Rutherfordton and any point in Polk County. It shall have a station and locate a depot within the corporate limits of the
Power of president and directors to open books of subscription.	said town of Rutherfordton within one-third of a mile of the court-house. And the said railroad company herein created is hereby authorized to commence work on any part of its line, and upon any portion or section thereof to maintain and operate the same with all the rights and powers conferred upon said company.
Proviso.	
Liability of stockholders.	
Right to construct railroad.	
Location.	
Depot at Rutherfordton.	
Authorized to commence work.	

- SEC. 6. This company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railroad and its branches, of the width of one hundred feet, and as much additional land as may be necessary for the station houses, depots and other buildings necessary and convenient for the construction, maintenance and operation of said railroad and its branches, and the same may be condemned in the following manner: When objection is made by any land owner to the occupation of his land by the said company for any purpose, or when the said company and the owner of land are unable to agree as to the value of the same, either party may have the value ascertained by application in writing to the Clerk of the Superior Court in the county where the land is situated, who, upon such application, shall direct the Sheriff of the county to summon three freeholders, who shall be residents of the county in which the land lies, who shall meet on the premises within three days, and after being duly sworn by an officer authorized to administer oaths, shall proceed to assess the damages to the owner caused by the railroad, taking into consideration the special benefit or damage caused to said land by said railroad. Said Commissioners shall make their report to the Clerk of the Superior Court in writing in three days thereafter, who shall record the same and file all the papers in the cause in his office, and either party may appeal therefrom to the Superior Court as in other cases; but in the meantime the said railroad company shall not be estopped or hindered from entering on such land or lands and continuing the construction of their road-bed or building, as the case may be.
- SEC. 7. The directors shall have power to borrow money upon the bonds of the company, and to secure same by mortgage, deed of trust, or other legal assurance on such of its property and on such terms as they deem best.
- SEC. 8. That said company shall have the exclusive right to transport freight and passengers over and along said railroad or any branch thereof, at such rates as the directors shall prescribe, and the company may purchase or hold stock in other railroad companies, and shall have power to purchase or lease the same or to contract for the transportation of freight and passengers over their lines.
- SEC. 9. That the said company shall have the right to connect the said road or any branch thereof with any railroad or transportation company that may have heretofore or that may hereafter be chartered by this or any other State, and to interchange traffic upon such reciprocal terms as may be agreed on by said company, and the said company shall have the right and power to
- Power to own necessary land.
- Condemnation of land, procedure.
- Appeal.
- Appeal not to stop construction.
- Power to borrow money.
- Transportation rights.
- May hold stock in other railroads, etc.
- Corporate powers and rights as to other railroads, etc.

May use portion of road before completed.

use any section of its road or any branch thereof before the whole thereof may be completed, and may charge transportation on said section.

Certain townships may subscribe to capital stock.

SEC. 10. That it shall be lawful for Rutherfordton, Sulphur Springs and Union townships, in Rutherford County, to subscribe to the capital stock of the said railroad company such sums in bonds as a majority of the qualified voters thereof may authorize, not exceeding ten thousand dollars (\$10,000.00) in the first, and five thousand dollars (\$5,000.00) each in the two last-named townships. Said bonds shall bear interest at the rate of six per cent per annum, payable semi-annually; shall be payable in twenty years from their date, and be in denominations of one hundred dollars, and five hundred dollars, or both, and shall be received by the company at par in exchange for stock at par.

Maximum subscriptions.

Interest rate.

Maturity of bonds.

Denominations.

Exchangeable for stock at par.

Townships incorporated.

SEC. 11. That the three townships mentioned above are hereby incorporated and the Magistrates of the said townships respectively are hereby constituted and declared to be the corporate agents of said townships; and it shall be the duty of said Magistrates in those townships voting bonds to meet at some convenient place in their said townships on the call of one of their number with three days' notice in writing, and to take such steps as to them may seem proper relative to subscribing and issuing said bonds; they are hereby authorized and empowered by a majority vote to subscribe the bonds so voted to the capital stock of said railroad company on such terms as to them may seem most beneficial to their respective townships; and they are fully authorized and empowered to issue and deliver said bonds to said railroad company upon a vote of a majority of their number. Said bonds when issued shall be signed by at least two of the regular Magistrates in the townships, issuing the bonds, and shall be countersigned by the chairman of the Board of County Commissioners of Rutherford County, who is hereby required to countersign same when presented to him signed by two of the said Magistrates, and said bonds shall bear the certificate in proper form of the Clerk of the Superior Court of Rutherford County certifying that the Magistrates signing said bonds are, at the time of signing the same—if such is the case—regular and acting Magistrates of their respective townships. And said bonds when so issued shall be legal and valid. After the issuing and delivery of said bonds the Board of Commissioners of Rutherford County shall compute and levy a tax in the townships which have issued bonds on the property and polls therein sufficient to pay the interest on such bonds, observing the constitutional equation as provided by law, and to provide for a sinking fund, which, in twenty years, will amount to the principal of said

Corporate agents. Their duties.

Empowered to issue bonds.

How executed and certified.

When bonds issued, valid, and commissioners to levy special tax.

Amount.

Purposes.

bonds, and to authorize the County Treasurer to invest the money thus arising in such securities as may be most profitable to the township interested. County Treasurer to invest sinking fund.

SEC. 12. That the said railroad company shall have the right to consolidate with any other railroad company in or out of the State, and to change the name of said company as necessity or occasion shall require; or to lease or mortgage, or sell all the property, real and personal, including their franchise rights, to any company doing business in or out of the State, and on such terms as a majority of the stockholders may deem expedient. Right of company to consolidate.  
Change name.  
Lease, mortgage, etc.

SEC. 13. That the elections provided for in this act shall be held and conducted under the provisions of the Act of 1899, chapter 514, and acts amendatory thereof, if the same have or shall be amended. Election, how held and conducted.

SEC. 14. That all laws and sections of laws in conflict with the provisions of this act are hereby repealed in so far as such conflict may effect this act. Conflicting laws repealed.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 127.

### AN ACT TO APPOINT J. V. BAGGERLY TRUSTEE OF THE UNION GROVE CHRISTIAN CHURCH, DAVIE COUNTY, AND FOR OTHER PURPOSES.

WHEREAS, On the 30th day of October, 1851, a deed was made by A. Gray and Tilman Dyson to Andrew Baggerly, trustee, purporting to convey to the said Andrew Baggerly, trustee of a Christian Religious Society of the Righteous, a tract of land of three and a half acres and two poles, more or less, for all meetings to be held at the Union Grove; and, Preamble.

WHEREAS, The said Andrew Baggerly is dead and the congregation formerly known as the Christian Religious Society of the Righteous no longer exists by that name; and,

WHEREAS, The congregation now worshipping at the Union Grove or said land is now called the Congregation of the Christian Church; and

WHEREAS, The said congregation of the Christian Church is substantially the same in doctrine and worship as the said Chris-

tian Religious Society of the Righteous, and is rightfully entitled to succeed to all the property rights of the last-named society in said land; now, therefore,

*The General Assembly of North Carolina do enact:*

Congregation of Union Grove Christian Church, Davie County, to hold property under deed mentioned in preamble.

J. V. Baggerly appointed trustee for Union Grove Christian Church.

Appointment of successor.

SECTION 1. That the congregation of the Christian Church, now worshipping at the Union Grove, in Davie County, shall hold and succeed to all the property rights mentioned in the above-named deed, as the ecclesiastical successor of the said The Christian Religious Society of the Righteous.

SEC. 2. That J. V. Baggerly, a son of the above-named Andrew Baggerly, is hereby appointed the successor of his said father, and shall have all the rights originally conveyed to his said father in the said deed, and shall hold the real estate mentioned in said deed in trust for the congregation of the Christian Church at the Union Grove in said county, and in case of the death, removal from the community, or resignation of the said J. V. Baggerly, trustee as aforesaid, his successor shall be appointed by the congregation of the Christian Church at the Union Grove, in Davie County.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 128.

AN ACT TO AMEND CHAPTER 70 OF THE PRIVATE LAWS 1887, AS AMENDED BY CHAPTER 13, PRIVATE LAWS 1889, THE CHARTER OF "THE FIDELITY BANK OF DURHAM, N. C."

*The General Assembly of North Carolina do enact:*

Chapter 70, Private laws 1887, amended.

May file general undertaking to act as fiduciary, etc.

SECTION 1. That section four (4) of chapter seventy (70), of the Private Laws of one thousand eight hundred and eighty-seven (1887), be and it is hereby amended by adding thereto the following, viz.: "And in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Durham County an undertaking in the sum of ten thousand dollars, with sufficient security, 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 said Clerk, and to be approved by him, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to said corporation by order of any Court of said State; and it shall be renewed every three years. In case of default in the performance of any trust so committed to said corporation, the said undertaking may be sued upon by or for the party injured, or his personal representative, in the Superior Court of any county in said State where such default shall have been made. A copy of such undertaking duly certified by the Clerk of the Superior Court of Durham County, under his official seal, shall be evidence in the Courts of said State. Whenever it shall be made to appear to the satisfaction of the Clerk of said Superior Court of Durham County that it is necessary, in order to secure the faithful performance of all of said trusts, he may require that said undertaking be increased to such amount as he may deem sufficient, not exceeding the sum of fifty thousand dollars. And the Superior Court of any county wherein any such trusts shall have been committed to said corporation shall have the power to make orders respecting such trusts, and to require it to render all accounts which said Court might lawfully make or require if such corporation was a natural person. And in accepting any trusts or powers hereunder said corporation may qualify by one of its executive officers."

Renewal of bond.

Proceedings upon default.

Certified copy of undertaking evidence.

Increase of undertaking.

Powers of courts of counties other than Durham over said corporation as trustee.

How corporation to qualify.

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 22d day of February, A. D. 1901.

#### CHAPTER 129.

#### AN ACT TO AMEND AND ENLARGE THE CHARTER OF THE TOWN OF WILLIAMSTON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Williamston, in the county of Martin, be and the same is hereby incorporated under the name and style of the town of Williamston, and that W. H. Harrell, W. H. Roberson, Sr., B. F. Godwin, S. S. Brown and C. D. Castarphen, the present Commissioners of said town, and their successors in office, shall be and are hereby declared a body cor-

Town of Williamston incorporated.

Commissioners declared a body corporate.

Corporate name. Corporate powers.	porate and politic, with succession during the corporate existence of said town, and shall be styled "The Commissioners of the town of Williamston," and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal, and acquire real and personal estate to the amount of ten thousand dollars; that J. L. Ewell, the present Mayor of said town and the Commissioners aforesaid shall continue in office as such, and perform all the duties pertaining to their offices of Commissioners and Mayor of said town until their successors shall be elected and qualified as provided for in chapter sixty-two of The Code, entitled "Towns and Cities."
Present officials to hold office till successors elected and qualified.	
Corporate limits.	SEC. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit: Beginning at the mouth of Skewarkey Gut, on Roanoke River; thence S. 76 1-2 degrees W. 105 poles to an iron stob near a small branch in the field that belongs to the estate of T. J. Sheppard; thence S. 68 1-2 degrees W. 220 poles to the Williamston and Hamilton Road, at the foot of a lane between the Baptist Cemetery and the colored school-house; thence along said lane or new road to the first branch; thence up said branch to the big trestle on the W. and W. Branch Road; thence down said road, across the Williamston and Washington Road to the first whistle post on said railroad; thence N. 59 1-2 degrees E. to the upper end of the old railroad depot, on Roanoke River; thence up said river to the beginning.
Elections.	SEC. 3. That the Mayor and Board of Town Commissioners of said town shall cause to be held an election in said town on the first Monday in May, one thousand nine hundred and one, and each year thereafter for the purpose of electing a Mayor and five Commissioners, and that said election and registration of electors shall be held and conducted under the general laws of North Carolina governing town elections.
Public scales.	SEC. 4. The Commissioners of said town may erect at some suitable place within said corporation public scales for the purpose of weighing fodder, hay, oats, cotton, crude turpentine and live stock on foot offered for sale in said town, and for the purpose of weighing, the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.
Weigher, fees, etc.	
May compel persons to have same weigher and use same scales.	
Powers of commissioners as to streets.	SEC. 5. The Commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make



narrower, change, extend or discontinue any street or streets or any part thereof within the corporate limits of said town; and shall have power to condemn and appropriate any land necessary for the purpose of this section, on making compensation as hereafter provided to owner or owners of said lands. It shall be the duty of the Commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening and changing or discontinuing any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor the Mayor of said town shall have the power to issue an order directed to the Town Constable, commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity or affinity with the Mayor or Commissioners of said town, or the person or person over whose lands said street proposed to be changed or discontinued runs, or over whose lands said proposed new streets will run; said order shall direct the Town Constable to summon said jurors to meet on the land over which the proposed street is to be laid out, changed or discontinued on a day not to exceed ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the Constable of said town of the summoning of said jurors and the time and place of their meeting and the purpose of meeting for five days before day when said jurors will meet to open and lay out any new street, or alter, change or discontinue any street already laid out. Said jurors attended by the Constable, after being duly sworn by the Mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow, or widen such street or streets, as the case may be, and assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvements to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them, and the said jurors under their hands and seals make a return of their proceedings to the Mayor of said town, and the Board of Commissioners of said town shall make compensation to the owner or owners of said lands for the amount of damages so assessed on the return of the report of said jurors to the Mayor of said town and the payment or tender of payment to the owner or owners of said lands by the Town Clerk and Treasurer under the order and direction of the Commissioners of said town of the amount of damages so assessed; said new street or streets so laid out, altered, changed, made narrower or wider shall be in all respects one of

Condemnation of lands for street purposes; procedure.

On tender of damages assessed to owner of lands condemned for street purposes, they become streets and under control of town.

the streets of said town, and under the control of the Commissioners of said town: *Provided, however,* that either party dissatisfied with the amount of damages so assessed by said jurors may appeal to the next term of the Superior Court of Martin County on giving the adverse party ten days' notice in writing of such intended appeal.

Appeal.

Powers as to sidewalks.

SEC. 6. The Commissioners of said town shall have power to open and lay out any new sidewalks, alter, change, make narrower or widen any existing sidewalks within the corporate limits of said town, and the manner and mode of so doing shall be in all respects governed by the preceding section.

May prohibit erection of wooden buildings.

SEC. 7. The Commissioners of said town shall have power to prohibit the erection of any wooden buildings in any portion of said town.

Power to arrest without warrant, and summon bystanders to aid in arrests.

SEC. 8. Every officer and police entrusted with the care and preservation of the public peace, who shall know, or have reasonable grounds to believe that any violation of the criminal law of the State or any ordinance of said town has been violated by any person or persons, and shall apprehend that such person or persons may escape, if not immediately arrested, shall arrest him or them without warrant, and may summons all bystanders to aid in such arrest.

Farm lands exempt from town taxes.

Exception.

SEC. 9. All improved farm land or lands not laid off into town lots included within the corporate limits of said town, are hereby exempted from any town taxes, except the lands on which are erected the dwellings and other buildings, the Commissioners may levy a tax on said buildings and lots as any other property in the corporate limits of said town.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 130.

AN ACT TO AUTHORIZE THE TOWN OF WEAVERVILLE, IN BUNCOMBE COUNTY, TO ISSUE BONDS TO AID IN THE CONSTRUCTION OF AN ELECTRIC RAILWAY FROM THE CITY OF ASHEVILLE TO SAID TOWN, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen for the town of Weaverville, in Buncombe County be and they are hereby authorized to issue bonds in the name of said town, to an amount not exceeding fifteen thousand dollars (\$15,000), in such denominations and form as the said Board of Aldermen may determine, said bonds to be used for the purpose of subscribing to the capital stock of such company or corporation as may be now or hereafter organized for the construction and operation of an electric railway from the city of Asheville to said town, or beyond, in Buncombe County, or for the purpose of donating to, or aiding in, the construction of such road by any person, company or corporation, and for the further purpose of making such improvements to and in said town as the Board of Aldermen may from time to time elect to make: *Provided, nevertheless,* that not more than ten thousand dollars (\$10,000) of such bonds shall be used for railroad purposes, and shall not be sold or transferred to any person, company or corporation until said road shall have been graded from said city of Asheville to said town of Weaverville, and at least two miles of rails laid thereon.

SEC. 2. That said bonds may be made payable at such time or times and at such place as said board may determine, but the time for the payment of the principal thereof shall not be fixed at less than twenty, nor more than thirty, years, from the date of issue, and shall not bear more than six per cent interest; said interest to be paid annually. And it shall be the duty of said Board of Aldermen, and they are hereby empowered, to levy and collect a sufficient special tax upon all subjects of taxation in said town to meet the annual payments of interest and to provide for the payment of the principal of said bonds when they shall mature; said special tax to be kept separate from the taxes levied and collected for general purposes.

SEC. 3. That said bonds shall not be issued until authorized by a majority of the qualified voters of said [town] at an election to be held at such time and place as said Board of Aldermen may

Weaverville  
aldermen author-  
ized to issue  
bonds.

Amount.  
Denominations.  
Purpose of issue.

Proviso.

When bonds may  
be sold or trans-  
ferred.

Time and place of  
payment.

Maturity of prin-  
cipal.

Interest.

Aldermen to levy  
and collect special  
tax.

Purposes.

How kept.

Majority of quali-  
fied voters must  
authorize issue.

Election.	appoint, at which election those favoring the issue of such bonds
Form of ballots.	shall cast a ballot with the word "Bonds" written or printed thereon, and those not favoring the issue thereof a ballot with the words "No Bonds" written or printed thereon, and it shall be
Notice of election.	the duty of said Board of Aldermen to give thirty days' notice of such election, stating the time, place and purposes for which the same is called, by posting a notice thereof at the post-office in said town, and at three other public places therein, and also for thirty days in some newspaper published in said county, and said election shall be held under the same rules, regulations, and in like manner as other elections are held in said town.
Election, how held.	
Registrar and registration.	SEC. 4. That in order to ascertain who shall be qualified to vote in said election, the said Board of Aldermen shall appoint some competent person, who shall be a qualified voter in said town, whose duty it shall be to open a registration book, and attend therewith at some public place to be designated by said board in said town, when and where he shall enter the names of all such persons properly qualified, who shall apply to him for registration in said book, said registration book to be kept open by said registrar for six successive days, exclusive of any Sunday immediately preceding such election, between the hours of nine a. m. and six p. m.: <i>Provided</i> , that all persons who shall be qualified to vote in a general State or county election, and who shall have resided in said town for ninety days preceding such election, or who shall have resided in any territory that may be added to said town by the present session of the General Assembly for such length of time, shall be qualified to vote in said election, and entitled to register in said book.
Qualifications of electors.	
If authorized by majority of qualified voters, aldermen to issue bonds.	SEC. 5. If the powers hereby conferred and provided for shall be exercised and a majority of the qualified voters of said town shall vote to issue said bonds, then the said Board of Aldermen shall issue said bonds in the name of the said town, and they shall be signed by the Mayor of said town and attested by the Clerk thereof, and when so signed, attested and issued shall be the valid obligation of said town for the purposes hereinbefore mentioned. And in the event said town shall decide to subscribe to the capital stock of any company or corporation organized to build such road as is hereinbefore mentioned, then the Mayor of said town shall act as the agent therefor in making said subscription and transferring such bonds to said company or corporation, but no bond shall be so transferred for less than par in payment of any such subscription.
How executed.	
Mayor to act as agent of town in making subscription, transferring bonds, etc.	
Transfer price of bonds.	
Subsequent elections provided for.	SEC. 6. If a majority of the qualified voters of said town shall not vote in favor of the issue of said bonds at the first election, the said Board of Aldermen may at any time thereafter, and

from time to time, not oftener than once in every six months, as they may deem proper, and of their own motion again submit the same question to a vote of the qualified voters of said town, on the same notice and terms hereinbefore provided for the first election; and if a majority of the qualified voters of said town at any election thus called shall vote in favor of said bonds, then this act and all its provisions shall be in full force and effect and the said board is hereby authorized and empowered to issue said bonds in accordance herewith: *Provided*, that after the first election held hereunder, the said board shall have the power to call an election to submit the question of issuing any part of said \$15,000 in bonds as the said Board of Aldermen may determine.

If majority of qualified voters favor bonds, this act in force and effect.

May call election to issue part of bonds.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 131.

#### AN ACT TO AMEND THE CHARTER OF THE MECHANICS DIME SAVINGS BANK, CHAPTER 279, PRIVATE LAWS 1895.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-nine of the Private Laws of one thousand eight hundred and ninety-five be amended by striking out section three of said chapter and inserting in lieu thereof the following:

Chapter 279, Private laws 1895, amended.  
Section 3, stricken out.

"SEC. 3. That such number of persons shall constitute the Board of Directors of said corporation as the stockholders thereof may determine, but the president and vice-president of said corporation shall be members of the said Board of Directors by virtue of their office: *Provided*, that no person shall be a director of said corporation without first having subscribed for and taken at least ten shares of said stock."

Stockholders to determine number of directors.  
President and vice-president members of board.  
Who may be a director.

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 22d day of February, A. D. 1901.

## CHAPTER 132.

AN ACT TO AMEND CHAPTER 158, PRIVATE LAWS OF 1889, SO AS TO AUTHORIZE "THE MOREHEAD BANKING COMPANY," OF DURHAM, N. C., TO REDUCE THE AMOUNT OF ITS CAPITAL STOCK.

*The General Assembly of North Carolina do enact:*

Section 2, chapter 158, Private Laws 1889, amended.

Capital stock may be reduced.

SECTION 1. That section 2 of chapter one hundred and fifty-eight (158), Private Laws of one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended by inserting in the fifth line of said section 2, after the word "dollars" and before the word "and," these words, "and if at any time the said capital stock shall be or has been increased to a sum in excess of one hundred thousand dollars, the stockholders or a majority of them, may at any time, or from time to time, reduce said capital stock to any sum not below one hundred thousand dollars."

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 133.

AN ACT TO INCORPORATE THE TRUSTEES OF LINCOLN HOSPITAL.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That John Merrick, R. B. Fitzgerald, Dr. A. M. Moore, Dr. S. L. Warren, J. A. Dodson, W. C. Pearson, J. W. O'Daniel, A. R. Moore, C. C. Spaulding, D. T. Watson, M. H. Christmas, Albert Armstrong, George Stephens, Jas. E. Shepherd, and their successors, be and they are hereby created a body politic and

Corporate name.

corporate under the name and style of "Trustees of Lincoln Hospital," by which name they may contract and be contracted with, sue and be sued, have perpetual succession, and a common seal, which they may break or alter at pleasure. As such corporation they may establish, conduct and maintain a hospital

Corporate purposes.

in the county of Durham, for the reception and treatment of persons of the colored race, who may need medical or surgical attendance during temporary sickness or injury, and for the train-

ing of nurses under such rules and regulations as they may from time to time establish.

SEC. 2. That said corporation may acquire, receive, take, sell and dispose of all 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 purposes and uses of said hospital: *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.

Corporate powers as to real and personal estate.

SEC. 3. That the persons named in the first section of this act shall hold office as trustees as long as they faithfully perform the duties of said office. Whenever a trustee shall die, resign, refuse to act or become incompetent to discharge the duties of his trust or shall be found by said trustees to be guilty of gross immoral conduct or acting in bad faith towards the hospital, his office shall be declared vacant by a two-thirds vote of the trustees, and his successor shall be elected by the trustees then in office. It is further provided that in the selection of such trustees there shall be no discrimination against or in favor of any religious sect or denomination. Said trustees shall elect from their number, at each annual meeting to be held on the first Monday night in March, of each year, a president, vice-president, secretary and treasurer, and such other officers as they shall deem fit, whose term of office shall be for one year and until their successors are elected and qualified.

Trustees.

Officers.

Term of office.

SEC. 4. 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, acts or omissions of the corporation.

Contracts or deeds.

Individual liability of trustees.

SEC. 5. That said trustees shall have power to make all such rules, regulations, by-laws and ordinances as they deem necessary or useful for the conduct and maintenance of said hospital, and the management of its affairs, and may alter, amend, or repeal the same at pleasure by the vote of a majority of the trustees. They especially have power to provide and enforce regulations for the selection, admission, treatment and dismissal of patients. They may provide for the duties and services of all officers, committees, attendants and employees.

Powers of trustees.

SEC. 6. That any number of persons may associate themselves together under the name and style of the Lincoln Hospital Association, for the purpose of aiding in the maintenance of said hos-

Number and purpose of associates.

- Annual dues.      pital, and may collect from each member of said association, annual dues not exceeding five dollars, which shall regularly be paid to the treasurer of said trustees.
- Durham may donate money to trustees.      SEC. 7. That the city of Durham is hereby authorized to annually or oftener donate money to said trustees in aid of said hospital.
- No notice of first meeting necessary.      SEC. 8. That no notice of the time, place nor purposes of the first meeting of this corporation need be given.
- SEC. 9. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 134.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROXBORO.

*The General Assembly of North Carolina do enact:*

- Section 3, Chapter 168, Private Laws 1887, amended.      SECTION 1. That section twenty-three of chapter 168, of Private Laws of 1887, be amended as follows: In line 5 of said section strike out the word "twenty" and insert in lieu thereof the word "two hundred," and in said line 5 of said section, strike out the word "fifty" and insert in lieu thereof the words "five hundred."
- Roxboro may have election on question of borrowing money or issuing bonds to establish electric lights, etc.      SEC. 2. That said chapter 168, of the Private Laws of 1887, be further amended by adding thereto the following: "That said Commissioners shall have power when they deem best, a majority of said board being present and voting in favor thereof, to submit to the qualified voters of the town of Roxboro any proposition to create a debt, either by borrowing money or issuing bonds for the purpose of establishing electric lights, street improvement, or for other municipal purposes. That said Commissioners shall give thirty days' notice of their intention to hold such an election in some newspaper published in the county, if there be one, and if not, then by posting such notice at the courthouse door, specifying in such notice the amount of money proposed to be borrowed or bonds to be issued; at said election those voting in favor of the creation of said debt, either by borrowing money or issuing bonds, as the case may be, shall vote "Approved," and those not so favoring shall vote "Not Approved" In a majority of the qualified voters shall vote "Approved," then
- Notice of election.
- Form of ballots.



said Commissioners shall create said debt, either by borrowing money or issuing bonds, as the case may be, and the money so raised shall be expended for the purpose set forth in the call for said election.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 135.

### AN ACT TO INCORPORATE THE CHAPEL HILL INVESTMENT COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purposes of buying and selling real estate and improving the same, by erecting buildings, manufactories and trolley, telephone and telegraph lines, Joseph Hyde Pratt, Jas. C. MacRae, Jas. C. MacRae, Jr., and R. L. Strowd, or any three of them, and such other person or persons as may be associated with them, be and they are hereby created a body politic and corporate under the name of "The Chapel Hill Investment Company," of Chapel Hill, North Carolina, under which name it shall have corporate existence for fifty years, and a common seal, may sue and be sued, plead and be impleaded, and enjoy all the rights, privileges and advantages of other like corporations under existing laws, in addition to those hereinafter enumerated.

SEC. 2. The capital stock of said corporation shall be \$50,000.00, divided into shares of \$100.00 each, and the stockholders may increase the same from time to time as they may deem requisite to carry into full effect the purposes of this act, to an amount not exceeding \$500,000.00, and the persons aforesaid or any three of them are hereby empowered to open books of subscription to the capital stock of said company, at such time and at such place or places and for such period as they may determine, and when \$5,000.00 shall be subscribed and ten per cent (10 per cent) thereon paid into the capital stock of said company, said corporators or any three of them, shall call a meeting of the subscribers to said stock at such time and place, and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year

On approval by majority of qualified voters, commissioners to create debt.

Corporate purposes.

Corporators.

Corporate name.

Corporate existence.

Corporate powers.

Capital stock.

Shares.

Increase of capital stock.

Books of subscription.

When corporators shall meet and elect officers.

**Terms of office.**

and until their successors are elected; said directors and their successors shall choose a president from their own number and shall elect such other officers as they may deem necessary.

**Power to do  
general real  
estate business  
and engage in  
other enterprises.**

SEC. 3. That said company shall have power to take, buy, lease and hold land and other property, real, personal and mixed, and to improve, sell, lease and dispose of the same in such parts, parcels, way and manner as it may deem best, and to this end may issue or endorse bonds in payment for property so purchased, may enter into agreements and contracts, and may convey, lease, mortgage or otherwise dispose of such property, and may receive therefor moneys, securities or other property; it may borrow money and make loans and advancements of money or property on such terms and such security as may be agreed upon, and it may be engaged in mining, building and manufacturing enterprises.

**Power to con-  
struct and main-  
tain electric rail-  
way, telephone  
and telegraph  
lines.**

SEC. 4. The said company shall also have power to construct, maintain and operate an electric railway and telephone and telegraph lines through, in and from the city of Durham to and through the town of Chapel Hill and over and upon such streets of said city and town as it may be licensed to use by the proper authority of said city and town, and may occupy and use such parts of the public roads in the county of Durham as the Commissioners of said county may permit: *Provided*, such use shall not interfere with the ordinary use of said streets and roads. And for the purpose of surveying, laying off and building said electric railway and appropriating such lands as may be necessary therefor and for depots and stations said company shall have the ordinary powers granted in chapters sixteen and forty-nine of The Code of North Carolina, concerning corporations and railroads.

**Location.**

**Subscriptions to  
capital stock,  
how paid.**

SEC. 5. Subscription to the capital stock of this company may be paid in money or property, real or personal, as may be agreed upon by the Board of Directors.

**Interest on bonds,  
how payable.**

SEC. 6. That in issuing bonds as hereinbefore provided, the Board of Directors shall have the power to make the interest thereon payable in installments, quarterly or semi-annually, as they may prescribe, evidenced by coupons thereon attached, and said bonds shall run for such period, not exceeding thirty years, as they may prescribe.

**Maturity of  
bonds.**

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

## CHAPTER 136.

## AN ACT TO INCORPORATE ROBESON COUNTY LOAN AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. W. McLean, R. D. Caldwell, J. F. L. Armfield, N. A. McLean, S. A. Edmund, and their associates and successors, are hereby created a body politic and corporate under the name and style of "Robeson County Loan and Trust Company," and by such name shall have all franchises, rights and privileges incident to a corporation.

Corporators.

Corporate name.  
Rights, privileges  
and franchises.

SEC. 2. The corporators above named, or any three of them, may open books of subscription, and after one hundred shares of fifty dollars each shall have been subscribed, upon five days' notice issued by said corporators, or any three of them, the subscribers may meet and organize by the election of a board of not less than five directors, who shall manage the affairs of the company for one year, or until their successors are elected, and who shall elect a president and all other necessary officers, employees and agents. The company shall have authority to transact business whenever one hundred shares have been subscribed, and fifty per centum thereof paid.

Books of subscrip-  
tion.

Organization.

Directors.

Other officers.

When company  
may transact  
business.

SEC. 3. The capital stock of said corporation shall not be less than five thousand dollars (\$5,000.00), but the same may be increased from time to time to an amount not exceeding one hundred thousand dollars, to be divided into shares of the par value of fifty dollars each. The stockholders shall not be individually or personally liable for the debts or other obligations of said corporation.

Capital stock.

Increase of capi-  
tal stock.

Individual lia-  
bility of stock-  
holders.

SEC. 4. The principal office and place of business of said corporation shall be in the town of Lumberton, State of North Carolina; and its officers shall consist of a board of at least three and not more than seven directors, 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 corporation. The president, vice-president and Board of Directors shall be elected annually by the stockholders; the directors so elected shall choose the other officers aforesaid, and may require the cashier, and such other employees as they may think advisable, to give bond, with approved security for the faithful performance of their respective duties. At all stockholders' meetings, each share of stock shall be entitled to one vote, either in person or by proxy.

Principal office.

Officers.

How elected and  
chosen.

Bonds of officers  
and employees.  
Voting power of  
stock.

Corporate powers. SEC. 5. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in the Courts as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property; to make by-laws for the regulation and management of the business of the company; and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

Right to do general banking business.

SEC. 6. That said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others, to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein of any description, situated anywhere; to lend money upon, or purchase or otherwise accept 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, and what is known as cash credits, 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 any such loans, not exceeding the rate allowed by law.

Corporate powers. SEC. 7. That said corporation may subscribe to, purchase, acquire or lend money upon any stocks, 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 said company; and may subscribe or sell 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, obligation 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. 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, as an investment or otherwise.

Savings bank business.

SEC. 8. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, 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 earn-

ings 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.

SEC. 9. The said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the said company may deal with such married woman or minor in reference thereto, as though he or she were *sui juris*, and any payment may be made to such minor or married woman, on his or her receipt or acquittance, or his or her check drawn against such deposit and any interest thereon, or any part thereof.

Deposits of minors and married women, how managed.

SEC. 10. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the company to do so.

Power to become surety on bonds.

SEC. 11. That said corporation 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, bond, certificate 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.

Power to act as agent, factor or trustee.

SEC. 12. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock, except by consent of 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 holder.

Transfer of stock.

Corporation to have prior lien on stock for amounts due thereon.

SEC. 13. That said corporation shall have power to receive money in trust, to become executor or administrator of any 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 or transfer, devise or bequest, and hold any real or personal estate, or trust created

Power to become trustee, executor, administrator, etc.

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.

Court may appoint corporation receiver, trustee, administrator, assignee, commissioner or guardian.

Powers, responsibilities, duties and requirements as such.

SEC. 14. That in all cases when application shall be made to any Court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor, or any lunatic or insane person, it shall be lawful for such Court, if it shall think fit, to appoint the Robeson County Loan and Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper legal and customary charges, cost and expense shall be allowed to said corporation for its services, care and management in the premises, and the said corporation, as such receiver, trustee, administrator, executor, assignee, commissioner, or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken, in order for qualification to any of the offices or trust above mentioned, may be taken by any officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

May act as trustee or assignee for insolvents.

May receive on deposit funds in litigation.

Safety deposit business.

Power to issue bank notes.

Storage warehouse business.

SEC. 15. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, firm or corporation, and to receive on deposit all funds in litigation in the various Courts of this State, and to pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company. Said corporation shall also have power to issue bills or notes to circulate as currency in such denominations as the Board of Directors may authorize, and under such regulations as may be hereafter authorized and provided by the laws of this State and the United States.

SEC. 16. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; make rules, regulations, contracts and by-

laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; making advances of money or credit upon cotton, or other product, and merchandise stored as aforesaid, and do such things as may be wise and profitable in and about such 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 assignment been made: *Provided*, that in the absence of any stipulation in the receipt or any contract between the said company and any deposits 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.

Proviso.

SEC. 17. That the powers and privileges set forth in this act shall not be deemed forfeited by non-user: *Provided*, the said corporation is organized within five years from the date of the ratification of this act.

Powers not forfeited by non-user if organized in five years.

SEC. 18. That in lieu of the bond or undertaking required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, it shall be lawful for said corporation to file in the office of the Clerk of the Superior Court of Robeson County an undertaking in the sum of ten thousand dollars, with sufficient security to be approved by said Clerk, and the said undertaking shall be conditioned for the faithful performance of any and all trusts which may be committed to said corporation by order of any Court of said State, and it shall be renewed every three years.

General bond to act as administrator, guardian, etc. Where filed, amount and conditions.

SEC. 19. In case of default in the performance of any trust so committed to said corporation, the said undertaking may be sued upon by or for the party injured, or his personal representative in the Superior Court of any county in said State where such default shall have been made. A copy of such undertaking duly certified by the Clerk of the Superior Court of Robeson County, under his official seal, shall be evidence in the Courts of said State. Whenever it shall be made to appear to the satisfaction of the Clerk of said Superior Court of Robeson County that it is necessary in order to secure the faithful performance of all of said trusts, he may require that said undertaking be increased to such amount as he may deem sufficient, not exceeding the sum of fifty thousand dollars; and the Superior Court of any county wherein any such trusts shall have been committed to said corporation, shall have the power to make orders respecting such trusts, and to require it to render all accounts which said Court

In case of default, bond sued upon.

Certified copy of bond, evidence,

Bond may be increased. Superior Court to have power to deal with corporation as trustee, administrator, etc., as if natural person.



might lawfully make or require if such corporation was a natural person, and in accepting any trusts or powers hereunder, said corporation may qualify by one of its executive officers.

How to qualify.

SEC. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

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#### CHAPTER 137.

### AN ACT TO INCORPORATE THE TRUST COMPANY OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Geo. W. Watts, D. Y. Cooper, Ashley Horne, Thomas H. Battle, B. B. Winborne, W. E. Holt, Theo. F. Davidson, J. Elwood Cox, F. A. Woodard, Geo. H. Brown, Jr., Fred. Phillips, S. F. Patterson, Walter H. Neal, F. K. Borden, J. H. McAden, W. R. Odell, J. W. Cannon, H. W. Lilly, A. W. Haywood, Moses H. Cone, John F. Love, Geo. R. Gray, Henry Weil, J. S. Long, Robert L. Steele, W. A. Erwin, Joseph G. Brown, Charles H. Belvin, J. J. Thomas, C. M. Busbee, B. S. Jerman, Charles E. Johnson, A. B. Andrews, R. H. Battle, W. H. Williamson, Alf. A. Thompson, R. H. Lewis, R. T. Gray, C. G. Latta, J. S. Carr, John S. Cunningham, D. C. Parker, R. W. Wharton, Ed. Chambers Smith, H. W. Jackson, Ernest Haywood, James Webb, Walter E. Daniel and W. W. Vass, and their associates and successors, are hereby created a body politic and corporate under the name and style of the Trust Company of North Carolina, and by such name, or any amendment or alteration thereof, as hereinafter provided, shall have all franchises rights and privileges incident to a corporation.

Corporate name.

Corporate franchises, rights and privileges.

Books of subscription.

SEC. 2. That the corporators above named, or any five of them, may open books of subscription at such times and places and for such period or periods, as shall be determined; and, after five hundred shares of one hundred dollars each, shall have been subscribed, upon ten days' notice, issued by said corporators, or any five of them, the subscribers may meet and organize by the election of a board of not less than ten trustees (or directors), who shall manage the affairs of the corporation for one year, or until their successors are elected, and who shall elect a president, and all other necessary officers, employees and agents.

When to organize.

Board of Directors or Trustees.  
Term of officers.  
Officers and agents.



- SEC. 3. That the capital stock of the said corporation shall not be less than one hundred thousand dollars, but the same may be increased from time to time to an amount not to exceed one million dollars, to be divided into shares of the par value of one hundred dollars each; and the corporation shall have authority to transact business whenever one thousand shares shall have been subscribed and the full par value thereof paid.
- SEC. 4. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock, except by consent of the Board of Trustees (or 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 holder. At all stockholders' meetings each share of stock shall be entitled to one vote either in person or by proxy.
- SEC. 5. That the principal office and place of business of said corporation shall be in the city of Raleigh, State of North Carolina, but branch offices or agencies may be at any time established at such place or places in said State as a majority (in stock) of the stockholders may designate. The officers of the corporation shall consist of a board of not less than five trustees (or directors), a president, and such other officers and employees as the Board of Trustees (or directors) shall from time to time deem necessary to properly conduct the business of the corporation. The Board of Trustees (or directors) shall be elected annually by the stockholders; the trustees (or directors) so elected shall choose the officers aforesaid, and may, at their discretion, require any or all of said officers and such other employees as they may think advisable to give bond with approved security for the faithful performance of their respective duties.
- SEC. 6. That the corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in the Courts as fully as natural persons; to buy, hold, possess, improve, hypothecate and convey, real, personal, and mixed property; to make by-laws and regulations for the management of the business and property of the corporation; and to do all lawful acts and things, and exercise all lawful powers and privileges, which a corporate body may do; and that the said corporation shall have full power and authority at any time to change, alter or amend its corporate name by the vote of a majority (in shares) of its stockholders, at any general or special meeting, and upon any change of name, copy of resolutions to that effect to be filed in office of Secretary of State.

Capital stock.

Increase of capital stock.

Shares.

When corporation may transact business.

Stock, how transferred.

Corporation to have prior lien on stock for stockholders' indebtedness.

Voting power of stock.

Principal office.

Branch offices.

Officers.

Election of trustees or directors.

Selection of other officers.

Bonds of officers and employees.

Corporate powers.

On change of name, copy of resolution to be filed with Secretary of State.

**Corporate powers.**      **SEC. 7.** That the said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership, or corporation; to invest its own money or the money of other; 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 or commercial papers or any crops or produce whatever and what is known as cash credits, 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 any such loans not exceeding the rate allowed by law, and to collect such interest in advance.

**Corporate powers as to stocks, bonds, securities, etc.**      **SEC. 8.** That the said corporation 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, any shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by said company or individuals; 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; and that the 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 Trustees (or directors) may agree to, as an investment or otherwise.

**Investment powers.**

**Savings bank business.**

**SEC. 9.** That the said corporation shall be invested with all the powers and privileges usually incident to or that may by the laws of said State of North Carolina be hereafter conferred upon banking institutions and savings banks, with the right to receive deposits, the limit to be fixed by its Board of Trustees (or 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 Trustees (or 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.

SEC. 10. That the said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman, the said corporation may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payments made to such minor or married woman, on his or her receipt or acquittance or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon or any part thereof.

Deposits of minors and married women.

SEC. 11. That the said corporation shall have power to become surety on the bond of any State, county, city or town official or on the bond of any administrator, guardian, trustee, corporation, or natural person, or on undertakings of all kinds in any court of justice as fully as a natural person, by the signature and justification of any of its executive officers, authorized by the rules and regulations of the corporation to do so.

Power to become surety on bonds.

SEC. 12. That the said corporation shall have the right to act as agent, factor, or trustee, for any State, county, town, municipality, corporation, company or individual, on such terms as to agency and commission as may be agreed upon in registering, selling and countersigning, collecting, acquiring, holding, dealing in, and disposing of, on account of any State, county, town, municipality, corporation, company, or person, any bond, certificate of stock, or any description of property, real or personal, or for guaranteeing the payment of any such bond, certificate of stock, etc., and generally for managing such business, and may charge such premium, commissions, or rate of compensation as may be agreed on, in and for any of the matters and things, authorized by this charter.

May act as agent, factor or trustee.

SEC. 13. That the said corporation shall have power to receive money in trust; to become executor or administrator of any 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 or transfer, devise, or bequest, and to hold any real or personal estate or trust created in accordance with the laws of the State of North Carolina, and to execute the same on such terms as may be established and agreed upon by the Board of Trustees (or directors), and in all cases when application shall be made to any Court of said State for the appointment of any receiver, trustee, administrator, assignee, commissioner, or guardian of any minor, or of any lunatic or insane person, it shall be lawful for such Court, if it shall think fit, to appoint the Trust Company of North Carolina,

Power to become trustee, executor, administrator, receiver, assignee, commissioner or guardian.

In fiduciary capacity corporation shall have same powers and be subject to same laws, rules and requirements as natural person.

Oath for qualification.

May act as trustee or assignee for insolvents.

Receive on deposit court funds.

Special deposits for safe keeping.

Power to issue bank notes.

Storage warehouse business.

its successor or assign, as such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it were a natural person, and, upon such settlement and adjustment, all proper legal and customary charges, costs, and expenses shall be allowed to said corporation for its services, care and management in the premises, and the said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of said State: *Provided*, that any oath required by law to be taken in order for qualification to any of the offices or trusts above mentioned, may be taken by any officer of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

SEC. 14. That the said corporation is hereby fully authorized and empowered to act as trustee, or assignee, for any insolvent person, firm, or corporation, and to receive on deposit all funds in litigation in the various courts of said State of North Carolina and pay therefor such interest as may be agreed upon, not exceeding the lawful rate; and that it shall have power and authority to receive for safe keeping on deposit all money, bonds, securities, stocks, diamonds, jewelry, gold and silver plate, and other valuables, and to charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposits until paid, and generally to do and carry on in all of its branches the business of a safety deposit and trust company; and that said corporation shall also have power to issue bills or notes to circulate as currency in such denominations as the Board of Trustees (or directors) may authorize, and under such regulations as may be hereafter authorized and provided by the laws of the said State of North Carolina, and the United States.

SEC. 15. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of cotton, goods, wares, merchandise, and other products, and may charge and receive commissions, rents, and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; may make rules, regulations, contracts and 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; may make advances of money or credit upon cotton or other products and merchandise stored as aforesaid, and do all such things as may be wise and profitable in and about said stor-

age business as are not contrary to law; and that the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments, and pass by endorsements and delivery, and entitle the holder thereof to the property marked and designated therein, in like manner as the original holder would be had not such assignment been made: *Provided*, that, in the absence of any stipulation in the receipts, or any contract between the said corporation and any depositor of property in said warehouse or warehouses, the said corporation shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

SEC. 16. The stockholders in this corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation, to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such stock.

Individual  
responsibility and  
liability.

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1901.

#### CHAPTER 138.

#### AN ACT FOR THE RELIEF OF DR. J. WALTER NEAL.

WHEREAS, On or about the 3d day of June, 1894, Dr. J. Walter Neal purchased and paid for a certain tract of land at a trustee's sale, which was made at the instance of the Board of County Commissioners of Stokes County, in the attempt to collect a claim which the board held against certain parties; and, Preamble.

WHEREAS, Said sale was afterwards set aside by order of Court and the said Neal's money ordered to be refunded to him; and,

WHEREAS, Said ruling on appeal of plaintiffs was overruled on the ground that the Court had no power to order said money to be refunded, although it justly belonged to the purchaser after the land was taken from him, all the facts relating to the whole transaction being fully set out in said opinion, which is reported in 126 N. C. Reports, page 715; now, therefore,

*The General Assembly of North Carolina do enact:*

SEC. 1. That the Clerk of the Superior Court of Stokes County, into whose hands a part of said purchase-money was paid, is hereby authorized, empowered and directed to refund to Dr. J. Clerk Superior Court, Stokes County, directed to refund to Dr. J.

Walter Neal, funds paid into his hands by said Neal for lands described in preamble.  
Treasurer of said county to refund to said Neal \$168.00 with interest from date received by county.

Walter Neal the amount now in his hands belonging to said Neal, and the Treasurer of said county to refund to him his \$168.00 with interest on said amount from the date it was received by the county.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

CHAPTER 139.

AN ACT TO INCORPORATE THE TOWN OF EAST LUMBERTON, IN THE COUNTY OF ROBESON, STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Incorporated.  
Corporate name.  
Chapter 62, Vol. 2, of The Code, applicable.  
Corporate limits.

SECTION 1. That the town of "East Lumberton," in Robeson County, be and the same is hereby incorporated under the name and style of "East Lumberton," and as such shall be subject to and governed by all of the provisions of chapter 62, volume 2, of The Code of North Carolina, except as hereinafter provided.

SEC. 2. That the corporate limits of said town shall include the lands of the Lumberton Cotton Mills, in Lumberton Township, Robeson County, North Carolina, bounded and described as follows: Adjoining the lands of J. D. Biggs, I. Jenkins and others; beginning at a stake by a pine on the eastern bank of Lumber River, said Lewis and John Henry Lewis corner in the division of the Ed. Lewis estate, and running with said Robert Lewis and John H. Lewis, now Jenkins' line, north 56 degrees 50 mins. east seventy-four chains and eighty links (74.80) to a stake by a pine stump, sassafras stump, on the west edge of the Lumberton and Whiteville Road, about opposite the gate on the yard of the County Home for the Aged and Infirm; thence down said road south 23 degrees east (2.53), two chains and fifty three links to the corner of Carlyle Cemetery; thence as the line of that lot due west (1.58) one chain and fifty-eight lines to a stake; thence due south as the other line and beyond it (3.16) three chains and sixteen, links to a stake by three black gums at the run of a branch; thence east (2.35) two chains and thirty-five links to a stake by a pine in the edge of said road; thence down the road south 18 degrees east (9.20) nine chains and twenty links to a stake by an oak, pine stump, and blown-down pine, Hester's, now Biggs', corner; thence as that line south 56 degrees, 50 west (66.50) sixty-

six chains and fifty links to a stake by a large pine and cypress on the eastern bank of the said river, Hester's now Biggs' and Robert Lewis' corner; thence up the river north 60 degrees west (3.10) three chains and ten links, north 57 degrees west (6) six chains, north 45 degrees west (3.50) three chains and fifty links, north 32 degrees west (2.92) two chains and ninety-two links to the beginning, containing ninety-nine (99) acres, magnetic bearing of 27th September, 1900.

SEC. 3. That the officers of said corporation shall consist of a Mayor and three Commissioners and one or more Constables and a Town Clerk and Treasurer.

SEC. 4. That the Mayor and Commissioners of said town shall be elected on the first Monday in May, 1901, and on said day in each and every year thereafter, in the same manner and under the same rules and regulations as are prescribed in chapter sixty-two of volume two of The Code of North Carolina, entitled "Towns and Cities;" and the said Mayor and Commissioners shall at their first meeting after their qualification elect the Constable, Town Clerk and Treasurer and the other officers of said town, who shall hold their office for the term of one year; and until their successors are elected and qualified; that until their successors have been duly elected and qualified, as prescribed herein, the following-named persons shall fill said offices, to-wit: Mayor, J. G. Stogner; Commissioners, J. B. Pitman, A. S. Pitman and Will. Barnes; and the said persons shall elect a Constable, Town Clerk and Treasurer, to hold their offices until the next general election.

SEC. 5. That whenever a vacancy occurs in said office of Mayor the Commissioners shall appoint one of their number Mayor *pro tempore*. That the Mayor and Commissioners of said town shall have power to pass ordinances, rules and regulations for the government of said town not inconsistent with the laws of the State of North Carolina and of the United States.

SEC. 6. That it shall be the duty of the persons so elected, and also of the persons elected Town Clerk and Treasurer and Constable, to take the oath prescribed by law for the officers of towns and cities, before some Justice of the Peace of Robeson County, and to enter upon the discharge of their duties within ten days after their election.

SEC. 7. That the taxes levied by the said town shall never exceed the sum of ten cents on the hundred dollars valuation of real and personal property and thirty cents on the poll.

SEC. 8. That it shall be unlawful for any person to sell, barter, exchange, or dispose of in any manner whatsoever, directly or indirectly, for gain, reward or anything of value, any spirituous, vinous, malt or fermented liquors, brandy peaches, bitters, ginger

Officers.

Time of elections.

Elections, how conducted.

Election of constable, clerk, treasurer and other officers. Terms of office.

Names of present mayor and commissioners.

To elect temporary town clerk, constable and treasurer.

Mayor pro tem.

Powers of mayor and commissioners.

When mayor and commissioners to take oath of office and begin duties.

Maximum tax amount.

Unlawful to sell intoxicating liquors in town or within one mile thereof.

tonic, or any liquors of any name or kind which is or may be intoxicating, within the corporate limits of the said town of East Lumberton or within one mile thereof.

Sheriff of Robeson County or constable of Lumberton to receive prisoners into jail or Lumberton guard-house.

SEC. 9. That the Sheriff or jailer of the county of Robeson, and the Town Constable of the town of Lumberton, are hereby required to receive into the jail of Robeson County, or into the town prison or guard-house of the town of Lumberton, any person duly committed to such jail or guard-house by the Mayor of the town of East Lumberton for the violation of any ordinance of said town of East Lumberton, and to keep such persons in said jail or guard-house until discharged according to law, and for such services the Sheriff or jailer or Town Constable shall be entitled to such fees as he is entitled to in other like cases, to be paid by the order of the Mayor of the town of East Lumberton, or such persons may be confined in the guard-house of East Lumberton.

Fees.

Mayor's jurisdiction.

SEC. 10. That the Mayor of the said town of East Lumberton shall have like jurisdiction of all cases as the Mayors of other cities and towns in the State of North Carolina, for all offences committed within the corporate limits of the said town of East Lumberton.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

#### CHAPTER 140.

### AN ACT TO INCORPORATE "THE SOUTHERN LOAN AND SAVINGS BANK, OF CHARLOTTE, N. C."

*The General Assembly of North Carolina do enact:*

Corporators.

SEC. 1. That P. M. Brown, W. S. Alexander, R. A. Dunn, W. R. Burwell, Chas M. Carson, R. L. Gibbon, D. O. Danohue, their associates, successors and assigns are hereby constituted and declared a body politic and corporate by the name and style of

Corporate name.

the "Southern Loan and Savings Bank of Charlotte, N. C.," with its principal place of business in the city of Charlotte, and by that name may sue and be sued, plead and be impleaded in any Court in the State, and have a continual succession for the term of sixty years, with all the rights, powers and privileges of corporations and banks under the general laws of the State.

Principal place of business.

Corporate powers.



SEC. 2. That the capital stock of said corporation shall not be less than \$25,000, in shares of \$100 each, and such capital stock may be increased from time to time as said corporators may elect, to a sum not exceeding \$200,000.00.

Capital stock.  
Shares.  
Increase of capital stock.

SEC. 3. The corporators named in the first section of this act, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the organization of said corporation may at their discretion from time to time reopen books of subscription to said capital stock until the same as herein limited be wholly taken. That any individual, corporation, co-partnership, company, *feme covert* or minor shall have the right and the same is hereby given it or them to subscribe for and take stock in this corporation. No stockholder shall be liable for the debts of this corporation after they shall have paid in the par value of the stock held by it or them, and shall in no event be held accountable either to the bank or its creditors for any sum beyond the par value of said stock so purchased and held by it or them.

Books of subscription.

Who may subscribe to capital stock.

Liability of stockholders.

SEC. 4. Whenever \$25,000 shall be subscribed to the capital stock of said corporation, the above-named corporators or a majority of them shall call a meeting of the subscribers to the said stock at such a time and place, and on such notice as they may deem sufficient to organize said corporation. And such stockholders shall elect such directors as they may deem 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.

When to organize.

To elect directors.

President.

SEC. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may choose and appoint all necessary officers and agents and fix their compensation and require such bonds of officers and agents, as they may deem proper, and shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation, consistent with the by-laws established by the stockholders. They may regulate the terms and rate on which discounts and loans may be made and deposits received, not inconsistent with the laws of the State, and when dividends of the profits and the amounts thereof shall be made and declared, and fill all vacancies occurring in their own body and among the officers and agents of said corporation. They may call meetings of the stockholders whenever they think proper, and at all meetings the stockholders may be represented by proxy, and each share shall be entitled to one vote.

Powers of president and directors.

Vacancies.  
Stockholders' meetings.  
Representation by proxy.  
Voting power of shares.

Savings bank business.

SEC. 6. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches, may receive deposits, in very small sums, the limits to be fixed by its Board of Directors, and may pay interest thereon at fixed rates according as may be agreed between the corporation and its depositors and the Board of Directors are hereby fully authorized to make all needful rules and regulations for conducting and carrying into effect the different features of this branch of this corporation.

Powers to do general banking business.

SEC. 7. The said corporation shall have the right to do a general 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 mortgage, pledge, deed of trust, or otherwise, on any land, hereditaments, on 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 to sell or otherwise dispose of the same, and to charge any rate of interest on all such loans not exceeding the rate allowed by law.

Powers as to stocks, bonds, securities, etc.

SEC. 8. That said corporation may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds or debentures, or may subscribe to, purchase, acquire or lend money upon the securities of any government, State, municipality, corporation, company, copartnership or person.

May act as agent, factor or trustee.

SEC. 9. That said corporation shall have the right to act as agent, 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 premium, commissions or rate of compensation as may be agreed in and for any of the matters and things authorized by this section.

Power to purchase, hold and dispose of real estate.

SEC. 10. That said corporation may purchase and hold all such real and personal property as may be necessary for its own business purposes, and such as may be conveyed to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to

said corporation, or sold, under execution or order of any Court to satisfy any debt due to it, and may sell and convey or exchange the same at pleasure and use or reinvest the proceeds thereof as may be deemed best.

SEC. 11. That when any deposit shall be made by any person being a minor or *feme covert* the said corporation shall pay to such minor or *feme covert* such as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability thereof.

Deposits of minors and *femes covert*.

SEC. 12. That the said corporation be and it is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver or paper money, bullion, precious metals, jewels, plates, certificates of stock, bonds or evidences of indebtedness, instruments of title or other valuable papers of any kind or any other article or thing whatsoever which may be left on deposit for safe keeping with said company, and shall be entitled to charge such commissions or compensation therefor as may be agreed upon; and for the complete preservation and safe keeping thereof may construct, erect or purchase such fire and burglar-proof buildings, vaults, safes, or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe keeping or preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital stock or funds of said corporation or such money or funds as may be deposited with said corporation for that purpose from time to time in the stocks, bonds or other securities of the United States, of this or any other State of the United States, or of any corporation under the laws thereof, or any other stock or property whatsoever, and to dispose of the same in such manner as may appear to said corporation most advantageous.

Special deposits for safe keeping.

Power to invest corporate funds or deposits.

SEC. 13. That the said corporation be and it is hereby authorized and empowered to accept and exercise any trust of any and every other description which may with its consent be committed or transferred to it by any person or persons whomsoever, by any bodies corporate or public, or by any Court of the State of North Carolina, or of the United States, or any one of the States of the United States, and to accept the appointment and office of executor or administrator or trustee or assignee of any kind or nature whenever such office or appointment is made or conferred by any person or persons, or by any Court of competent jurisdiction of this State, or of any one of the United States, or of the United States; and in all cases where application shall be made to any Court for the appointment of any receiver, trustee, administrator, assignee, guardian of any minor or committee of a lunatic, it

May act as trustee, executor, administrator, guardian, assignee, receiver, etc.

Capital stock security for corporation as fiduciary.

Additional security.

Adjustment and settlement of accounts as fiduciary, etc.

Corporation as fiduciary subject to proper authorities.

May receive deposits of money, property, valuables, etc., in hands of personal representatives or fiduciaries.

Transfer of stock.

Corporation to have prior lien on stock for stockholders' indebtedness.

shall and may be lawful for such Court to appoint the said company, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and when any person shall appoint the said company executor of his or her will, or any Court shall appoint the said company a receiver, trustee, administrator, assignee, guardian or committee, or shall order the deposit of any money with the said company, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance as such executor, administrator, trustee, assignee, guardian or committee and shall be absolutely liable for any default, and in addition thereto the Court may require the said company to give such other and additional security as it may judge to be expedient, and the Court may if deemed necessary examine the officers of the company under oath or affirmation as to the sufficiency of its capital stock as such security. The accounts of said corporation as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be regularly adjusted and settled before such Court or officer as shall have jurisdiction thereof, which said Court or officer shall upon such adjustment and settlement being made allow to said company all proper and legal and customary costs, charges, expenses and commissions for its care and management of the trusts and estates aforesaid, and shall charge the said company with interest not exceeding six per centum per annum whenever the said company shall be liable for or chargeable with interest as such receiver, trustee, executor, administrator, assignee, guardian or committee, or upon money deposited therewith as aforesaid. The said company as such receiver, trustee, executor, administrator, assignee, guardian or committee, shall be subject to all lawful orders and decrees, made by the proper tribunal under the laws of this State.

SEC. 14. Any receiver, executor, administrator, assignee, guardian or committee of a lunatic, and any public officer, State and County Treasurer, are hereby authorized to deposit with the said company for safe keeping any money or bonds, stocks, securities or other valuables which have or may come into his possession, or under his control by virtue of his said office or appointment aforesaid.

SEC. 15. That the stock of this corporation held by anyone 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 stockholder.

SEC. 16. All laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

#### CHAPTER 141.

### AN ACT TO ESTABLISH GRADED SCHOOLS AND AN ELECTRIC LIGHT SYSTEM IN THE TOWN OF ROCKINGHAM, RICHMOND COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced within the corporate limits of the town of Rockingham, Richmond County, shall be and is hereby constituted "The Rockingham Graded School District for White and Colored Children." Corporate limits of town of Rockingham created public school district.

SEC. 2. That the Board of Aldermen of the town of Rockingham are hereby required to submit to the qualified voters of said town at the next election for municipal officers of said town, to be held in May, as provided by law, the question whether an annual tax of not less than thirty cents and not more than forty cents shall be levied for the support of graded schools in the said town on the \$100.00 valuation of all taxable property of said town, and upon the poll not less than ninety cents and not exceeding one dollar and twenty cents, preserving the equation required by the Constitution of North Carolina between poll and property. Question of levying tax for graded schools to be submitted to voters.

SEC. 3. That at the election held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "For Schools and Tax" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot, without device, with the words "Against Schools and Tax" upon it. When.  
Amount of tax.  
Form of ballots.

SEC. 4. That if a majority of the qualified voters shall vote at said election in favor of levying said tax, it shall be the duty of the Board of Aldermen of said town to levy annually a special tax of not less than thirty cents and not exceeding forty cents on the \$100.00 valuation of all taxable property of said town, and upon the poll of not less than ninety cents and not exceeding one dollar and twenty cents upon each taxable poll within the corporate limits of said town, and said taxes shall be due and collected If authorized by vote of majority of qualified voters, aldermen to issue bonds.  
Amount of tax levy.  
How collected.

	annually as is provided for the collection of the other taxes levied by the Aldermen of said town by the Town Constable or other Tax Collector as the law governing said town may provide, at the same time and like manner that other taxes are due and collected.
Collector to pay over taxes to treasurer. Bonds of collector and treasurer.	SEC. 5. That the taxes shall be paid over by the Tax Collector of the said town to the Treasurer of said town as other taxes are paid under the laws of said town, which officers shall give bond, the former for collection and the latter for the safe keeping and proper disbursement of said special taxes and other funds that may come into his hands for the use of said graded schools, said bond shall be in double the sum of the taxes levied under this act: and said Treasurer shall keep said school fund separate and apart from all other moneys, and shall pay out the same only upon a warrant signed by the chairman and secretary of the Board of Trustees, hereinafter provided for, of the graded schools of said town.
School funds to be kept separate. How paid out.	
Names of trustees.	SEC. 6. That A. S. Dockery, Paul C. Whitlock, Thomas S. Wright, A. J. Maxwell, Minor L. Hinson, Robert L. Steele, William C. Leak, George Warburton, M. H. Russell, James P. Leak, William N. Everett, and H. S. Ledbetter be and are hereby constituted a Board of Trustees for the management of the graded schools of said town. That said board shall have power to fill all vacancies in said board, employ teachers, and do all such acts as may be necessary to carry on the said graded school. That the first three trustees named in this section shall be elected for a term of one year from the first Monday in May, 1901; the second three for two years from the first Monday in May, 1901; the third three for three years from the first Monday in May, 1901, and the last three for four years from the first Monday in May, 1901, and that upon the expiration of the terms of the foregoing sets of trustees, the remaining members of said board shall elect the successors of the outgoing trustees, who shall hold office for four years from the date of their election.
Powers of trustees.	
Terms of office of trustees.	
Successors, how elected, terms of office.	
Board to establish separate schools for the races.	SEC. 7. That it shall be the duty of said board to establish a graded school for the white children and one for the colored children of said town, and to appropriate the funds derived from said special tax and all other sources for said graded schools for white and colored children so as to equalize school facilities between the two races, having due regard to the requirements of the two races.
General public school funds to be applied to graded schools.	SEC. 8. That the public school money that may from time to time be collected and apportioned under the general school law for general school purposes for the white and colored children in said town shall be applied to keeping up said graded schools under the orders and direction of the said Board of Trustees of

said graded school; and the Board of Education or other officers having the matter in charge, of Richmond County, shall appropriate said fund direct to said "Rockingham Graded School District for White and Colored Children" as they may be entitled to under the general school law; and the Treasurer of Richmond County shall pay the same direct to the Treasurer of the town of Rockingham.

County Treasurer to pay direct to Treasurer of Rockingham.

SEC. 9. That the Board of Trustees of said schools are hereby authorized and empowered to admit into the said schools children residing out of the said school district upon the payment of such rates of tuition as may be established by the board: *Provided*, that said board may admit free of tuition children of parents, or grandchildren of parents, who own taxable property within said town.

Admission of non-resident children.

Proviso.

SEC. 10. That the Board of Aldermen or Commissioners of the said town are hereby authorized, empowered and directed to cause an election to be held in May next at the time for the election of municipal officers and at the same time as the election provided for in section two of this act, and to submit to the qualified voters of said town the question of issuing bonds to the amount of not less than eight thousand (\$8,000) dollars, nor more than fifteen thousand (\$15,000) dollars for the purpose of either buying or erecting and equipping, or buying and adding to suitable buildings for the white and colored graded schools in said town. The election provided for in this section shall be advertised by the Board of Aldermen or Commissioners of said town for thirty days prior to the day of election in some newspaper published in said town, and shall be held under the same rules that are prescribed or which may be prescribed by law for the election of Mayor and Aldermen or Commissioners of the said town. Those who are in favor of issuing bonds and levying the taxes hereinafter provided for, for the purposes of paying the interest on said bonds, and to provide a sinking fund for their redemption, shall vote a written or printed ballot, without device, with the words "For Bonds and Taxes" thereon, and those who are opposed to the issue of said bonds and the levy of taxes hereinafter provided for, for their redemption and to pay the interest thereon, shall vote a written or printed ballot, without device, with the words "Against Bonds and Taxes" thereon. The result of said election shall be ascertained by the officers holding the same and certified and returned by them to the Board of Aldermen or Commissioners of the said town, within three days after the day of election, who shall verify and also certify said result and cause the same to be recorded in their minutes.

Aldermen to order an election on question of issuing bonds.  
Time of election.

Amount of bonds.

Purpose of issue.

Advertisement of election.

Form of ballots.

Certifying and return of result.

Verification and certifying by Aldermen.



If authorized by majority of qualified voters, aldermen to issue bonds.	SEC. 11. That if a majority of the qualified voters of the said town shall vote for bonds and taxes, then the Board of Aldermen or Commissioners of said town shall issue coupon bonds to the
Denomination.	amount voted for in said election and in denominations of not less than one hundred (\$100) dollars and not more than one thousand (\$1,000) dollars, bearing interest from the date of said
Interest.	bonds at six per centum per annum, and payable annually or
When and where payable.	semi-annually as a majority of said Aldermen or Commissioners deem best for the interest of said town, and payable at such bank as a majority of Aldermen or Commissioners of said town may deem best to the interest of the town. That the said bonds
Maturity of bonds.	shall be payable at the expiration of thirty years from the date
How executed.	thereof. The bonds and coupons shall be numbered and the bonds shall be signed by the Mayor of said town and counter-
Record.	signed by the Clerk and Treasurer of the said town, and a record shall be kept of all bonds, observing the number, amount and to
Coupons receivable for town taxes	whom sold; the coupons shall be received in payment of taxes, polls and debts due the said town; that the said bonds shall not
Selling price.	be sold for less than their par value; that the proceeds of the
Restricted use of proceeds.	sales of the said bonds shall not be used for any other purpose except that hereinbefore mentioned.
Aldermen to levy special tax.	SEC. 12. That in order to pay the interest on said bonds the Board of Aldermen or Commissioners of said town are authorized and it shall be their duty to annually compute and levy at the time of levying other taxes for the said town, a sufficient special tax upon all the real and personal property; upon all taxable property under the laws of North Carolina, within the corporate limits of said town, and on the polls resident within said town, always observing the constitutional equation between the tax on property and the tax on polls, with which they shall
Special tax, for what purposes used.	regularly and promptly pay the interest on said bonds and provide a sufficient sinking fund for their redemption when due.
When and how collected.	The said special tax shall be collected at the time and as other taxes of said town are collected, and shall be paid over by the
To be paid over to treasurer.	Constable or other Tax Collector of said town to the Treasurer of said town, which officer shall give good and sufficient bond, to be approved by the Board of Aldermen or Commissioners of said town, the former for the collection of said taxes and paying them over as aforesaid; and the latter for their safe keeping and proper disbursement.
Bonds.	
Taxes to be kept separate.	SEC. 13. That the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes and shall
Use restricted.	only be used for the purpose for which they were levied and collected, and any Mayor or Aldermen or Commissioner of said town



who shall appropriate or attempt to appropriate any of said funds by vote or otherwise to any purpose, other than for that which they were levied shall be guilty of a misdemeanor.

Misappropriation a misdemeanor.

SEC. 14. That the property both real and personal of the public schools of said town shall become the property of the said graded schools, and shall be vested in the said Board of Trustees and their successors in trust for said graded schools. That the trustees of said graded schools shall have the power to acquire real estate by purchase or deed of gift to such real estate as may be necessary for the erection of suitable buildings for said graded schools.

Public school property to vest in the trustees of graded schools.

Power to acquire real estate.

SEC. 15. That the said Board of Aldermen or Commissioners for said town of Rockingham are hereby authorized, empowered and directed to submit to the qualified voters of the said town at the same time, and in the same manner as is provided in section ten in this act for the election upon the question of issuing bonds for buildings for graded schools, to-wit: On the first Monday of May next the question of issuing bonds to an amount not to exceed the sum of fifteen thousand (\$15,000) dollars for the purpose of procuring, erecting and operating in the said town electric lights. The said election shall be held under the same rules and laws as those prescribed in section ten of this act, and those who favor the issuing of the said bonds for the said purpose and the levying of the taxes hereinafter provided for, for the purpose of paying interest on said bonds and for their redemption when due, shall vote a written or printed ballot, without device, with the words "For Electric Light Bonds and Taxes" on it, and those opposing shall vote a written or printed ballot, without device, with the words "Against Electric Light Bonds and Taxes" thereon. If a majority of the qualified voters of said town shall vote "For Electric Light Bonds and Taxes," then the Board of Aldermen or Commissioners of said town shall issue bonds not to exceed the amount voted for in denominations of not less than two hundred (\$200) dollars, bearing interest from the date of said bond at six per centum per annum, payable annually or semi-annually as the said Board of Commissioners may deem best for said town, and payable at such bank or other place as the Aldermen or Commissioners may deem best, until paid; that said bonds shall be payable at the expiration of thirty years from the date thereof. The bonds and the coupons shall be numbered and the bonds shall be signed by the Mayor of said town and countersigned by the Clerk and Treasurer of the said town, and said Board of Aldermen or Commissioners shall cause a record to be kept of all bonds, observing the number, amount and to whom sold. The coupons shall be received in payment of taxes, polls and debts due said town. The

Aldermen to submit to voters question of issuing bonds to erect and operate electric lights.

Election, how held.

Form of ballots.

If authorized by majority of qualified voters, aldermen to issue bonds.

Amount.

Denominations.

Interest.

When and where payable.

Maturity.

To be numbered.

How executed.

Record.

Coupons receivable for town taxes, etc.

Selling price of bonds.	said bonds shall not be sold for less than their par value. That the proceeds of the sales of said bonds shall be used by the Board of Aldermen or Commissioners for the exclusive purpose of procuring, erecting and operating a system of electric lights in the said town. That in order to pay the interest on said bonds and redeem them when due, the Board of Aldermen or Commissioners of said town are hereby authorized and directed to annually compute and levy at the time of levying other taxes of said town upon all the real and personal property; all taxable property under the laws of North Carolina, within the corporate limits of said town, and on the polls resident within said town, always observing the constitutional equation between the taxes on property and the taxes on polls, with which to regularly and promptly pay the interest on said bonds and to provide a sufficient sinking fund with which to redeem them when due. The said special tax shall be collected at the time as other taxes of said town are collected, and shall be paid over by the Constable or other Tax Collector of said town to the Treasurer of said town, which officers shall give good and sufficient bonds, the former for the collection of said taxes and paying them over as aforesaid, and the latter for their safe keeping and proper disbursement.
Use of proceeds.	
Aldermen to levy special tax.	
Purpose and use of taxes.	
When collected.	
To be paid over to treasurer.	SEC. 16. That the taxes levied and collected for this purpose shall be kept separate and distinct from all other taxes, and shall be only used for the purpose for which they were levied and collected, and any Mayor or Aldermen or Commissioner who shall appropriate or attempt to appropriate by vote or otherwise to any purpose, directly or indirectly, other than that for which it was levied, said special taxes or any part thereof, shall be guilty of a misdemeanor.
Bonds of collector and treasurer.	
Taxes to be kept separate.	
Use restricted.	
Misappropriation a misdemeanor.	

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

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#### CHAPTER 142.

### AN ACT TO INCORPORATE THE RICHMOND COUNTY SAVINGS BANK.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Thomas C. Leak, William L. Everett, William Entwistle, H. C. Dockery, James P. Leak, W. L. Parsons, their associates and successors, are hereby constituted and declared a

body politic and corporate under the name and style of "Richmond County Savings Bank," with its principal place of business at Rockingham, North Carolina, and by that name may sue and be sued, plead and be impleaded in any Court of this State, and shall have a continual succession for a period of thirty years, with capacity to take, hold, and convey real and personal property, with all the powers, rights, privileges and immunities granted to any bank by the general laws of the State.

SEC. 2. The capital stock of said bank shall not be less than ten thousand dollars, and may be increased from time to time to any sum not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each; and the corporators hereinbefore named shall have authority, if in their opinion it shall become necessary, in order to secure the capital stock, to open books of subscription in the town of Rockingham, and keep the same open at their discretion; that when the sum of ten thousand dollars shall have been subscribed and fifty per centum thereof paid to the corporators hereinbefore named or their agents, they shall call a meeting of the subscribers to said stock after ten days' notice by advertisement or by personal notification on each one, for the purpose of organizing said corporation, at which meeting they shall elect a Board of Directors, consisting of not less than five, nor more than seven stockholders, who shall elect one of their number president, in case the stockholders do not so elect; and the president and directors so elected shall hold office for one year and until their successors shall be elected and qualify according to the by-laws. The president and directors shall make and adopt such by-laws for the government of said bank as they may deem proper, not inconsistent with law; may prescribe and appoint such officers, agents and employees as they may deem best for conducting the business of said bank, and may take security for the faithful performance of their duties, and fix all salaries or other compensation, to be paid to the same; shall fill all vacancies on the Board of Directors; may provide the manner and time of paying subscriptions to the capital stock, and rules for transferring the same, in a general way control and govern the affairs of said corporation.

SEC. 3. That if any subscriber shall fail to pay for his stock or any part thereof as the same may be required of him, the entire residue of his subscription shall be deemed to be due and may be recovered in the name of the corporation by ordinary civil action, or the entire stock of such delinquent may be sold by order of the Board of Directors for cash at the banking house in Rockingham, after ten days' advertisement in some newspaper published in said town, and if the proceeds of such sale shall not

Corporate name.

Principal office.

Corporate powers.

Capital stock.

Increase of capital stock.

Shares.

Books of subscription.

Organization.

Election of Board of Directors

President.

Term of office.

By-laws.

Other officers and agents.

Bonds of officers.

Salaries.

Vacancies.

Payment of subscriptions.

Transfer of capital stock, etc.

Failure to pay for stock, entire amount becomes due.

May be sold; procedure.

Liability of delinquents. of such sale, the delinquent shall be liable for any balance in a civil action.

Power to conduct savings bank business. SEC. 4. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking 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 way of dividend out of the net earnings, or at fixed rates, according as it may be agreed between the corporation and its depositors.

Power to loan on crop liens, etc. SEC. 5. That to aid planters, manufacturers and others, the said bank shall and may have power to advance or loan to any planter, farmer, manufacturer or other person any sum or sums of money, and to secure the repayment of the same by taking a lien or liens in writing on the crop or crops to be raised, as provided in section one thousand seven hundred and ninety-nine of The Code, or upon any articles then existing or thereafter to be purchased, made, manufactured or otherwise acquired, and any lien so taken shall be good and effectual in law.

Power to carry on general banking business. SEC. 6. That the said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership, 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 or commercial papers, or any crops or produce whatever, and what is known as cash credit, 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 any such loans not exceeding the rate allowed by law.

Powers as to bonds, stocks, securities, property of other corporations, etc. SEC. 7. That said corporation 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 of this corporation, 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.

SEC. 8. That said corporation 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, 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.

May act as agent,  
factor or trustee.

SEC. 9. That said corporation shall have power to receive money in trust, to become executor or administrator of any 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.

May act as trustee, executor,  
administrator,  
etc.

SEC. 10. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of any manufactured products, goods, wares, merchandise, cotton and other produce, and to charge and receive commissions, rents and compensation for storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; make rules, regulations, contracts and 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; make advances of money or credit upon cotton or other produce, manufactured product 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 corporation shall be and are hereby declared to be negotiable instruments and shall pass by endorsement and delivery, and 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

May conduct  
storage ware-  
house business.

Proviso.

and contract between the said corporation and any depositor or property in said warehouses, the said corporation shall be held and deemed to be liable to exercise only ordinary care in the custody and protection of such property.

May act as trustee or assignee for insolvents, and receive on deposits funds in litigation.

SEC. 11. That said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, 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 rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

Special deposits for safe keeping.

Deposits of married women or minors.

SEC. 12. That when married women or minors deposit money or other property in said bank they may withdraw the same on their individual order or check same, and all payments to such minors and *femes covert* of any sum or sums so due them shall be valid in law to fully discharge said corporation from all liability to any person.

Stock, how transferred.

SEC. 13. That the stock of this corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock except by consent of the Board of Directors while he is indebted to the corporation as principal, surety or otherwise, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

Corporation to have a superior lien on stock for debt of stockholder.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

## CHAPTER 143.

## AN ACT TO AMEND THE CHARTER OF ASHEVILLE SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the Asheville School, issued by the Secretary of State and dated the 27th day of July, A. D. 1900, in pursuance of articles of agreement filed before the Clerk of the Superior Court of Buncombe county, North Carolina, on July 18th, 1900, be and the same is hereby ratified and approved.

Charter of Asheville school ratified and approved

SEC. 2. That in addition to the power and authority vested in said Asheville School, the corporation aforesaid, by said letters patent, issued by the Secretary of State and by chapter 16 of The Code: that said corporation shall have the right, power and authority to purchase, own and hold real estate in the State of North Carolina to any amount not exceeding one thousand acres, and to mortgage, sell and convey the same at its pleasure, or as it may be necessary for the purposes of said corporation: *Provided*, that all real estate owned by said corporation in excess of three hundred acres shall be subject to taxation as other real estate under the law of this State.

Additional power

Power to purchase, own and hold real estate.

Quantity, May sell and convey.

Real estate in excess 300 acres subject to taxation

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

## CHAPTER 144.

## AN ACT TO INCORPORATE THE CHARLOTTE SAVINGS BANK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That D. A. Tompkins, George L. Kruger, A. G. Brenizer, E. W. Thompson, and their associates and successors, are hereby created a body politic and corporate under the name and style of "The Charlotte Savings Bank," and by such name may sue and be sued, plead and be impleaded in any of the courts of this State, and shall have a common seal and continue succession for a period of thirty years.

Corporators.

Corporate powers.

Term of corporation.

SEC. 2. This company is especially invested with the powers and privileges usually incident to savings banks; may receive deposits in very small sums, the limits to be fixed by the board of directors, and may pay interest thereon by way of dividends out of the net earnings, or at fixed rates, according as may be agreed between the company and its depositors; and the board of directors

Power of savings banks.

To receive deposits in small sums.

To pay interest.

Directors to make by-laws for carrying into effect savings bank feature. 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.

Capital stock. SEC. 3. The capital stock of said company shall not be less than ten thousand dollars, but may be increased from time to time to five hundred thousand dollars, in shares of one hundred dollars each, to be paid in as follows: Ten per centum of each share subscribed shall be paid in cash before the commencement of the business of banking, and two dollars per share per month thereafter till the par value of each share subscribed is paid.

Place of business. SEC. 4. The office and place of business of said banking company shall be in the city of Charlotte, State of North Carolina, and its officers shall consist of a president, vice-president, cashier and treasurer, and a board of not less than five nor more than thirteen directors, who are to be elected annually by the stockholders; the directors so elected to choose the officers aforesaid, and shall require the cashier and teller each to give bond, with approved security, for the faithful performance of their respective duties.

Bonds of cashier and teller. SEC. 5. It shall be the duty of the board of directors, and they are hereby fully empowered, to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also to fix the salaries of its officers and to fill vacancies on the board of directors. Said board of directors shall be chosen by a majority of the corporators named herein at the first meeting to be called by them, which said board of directors shall hold office for one year and until their successors are duly elected; a majority of said board to constitute a quorum for the transaction of business.

Duties and powers of board directors. SEC. 6. That said company shall have the right to do a general banking business, to receive deposits; to make loans and discounts; to obtain and procure loans for any person, company, partnership or corporation; to invest its own money, or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments, or personal property, or interest therein of any description, situate anywhere; to lend money upon, or purchase, or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crop or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of.

Salaries of officers. Vacancies. Board of directors, how chosen. Term of office. Quorum. SEC. 7. 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

Powers to do general banking business.



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.

SEC. 8. *Be it further enacted*, That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums, and at such times, and on such terms, as the board of directors may agree upon; and if money be deposited by any minor, either as an investment or otherwise, such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were at full age.

May receive deposits for investment.

Deposits by minors.

Check binding as of full age.

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, certificates of stock or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premiums, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

Power to act as agent, factor or trustee.

Agency and compensation.

SEC. 10. That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the law of this State; and then to execute the same on such terms as may be established and agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustees or assignees, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon not exceeding the lawful rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds, and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid; and generally to do and carry on the business of a safety deposit and trust company.

Power to execute trusts.

May hold real and personal estate in trust and execute same.

Power to act as trustee or assignee and receive deposits of funds in litigation. Interest thereon.

Power to receive valuables for safe keeping and charge therefor.

Charge a lien on such deposits.

SEC. 11. *Be it further enacted*, That said company is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences

Power to guarantee payment of dividends, bonds, evidence of debt

of persons, partnership or corporation.

Stock, how and when transferred.

of indebtedness of any person, partnership or corporation, for any price and on any consideration agreed on.

SEC. 12. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by consent of the directors of said corporation; if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged; and for all such indebtedness said corporation shall have a lien, superior to all other liens, upon the stock of said stockholders.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

#### CHAPTER 145.

### AN ACT TO AUTHORIZE ANY CITY OR TOWN ALONG THE LINE OF THE GREAT EASTERN RAILWAY TO SUBSCRIBE TO THE CAPITAL STOCK OF THE GREAT EASTERN RAILWAY COMPANY, AND OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Cities or towns authorized to subscribe to capital stock Great Eastern Railway Company. Amount. Proviso.

SECTION 1. That any city or town along the line of the Great Eastern Railway Company in the State of North Carolina is hereby authorized to subscribe an amount not exceeding fifty thousand dollars to the capital stock of the Great Eastern Railway Company, on condition that said company shall run its railway to or through said town or city.

Proposition to subscribe and levy tax to be submitted to voters.

SEC. 2. That the proposition to subscribe said amount to the capital stock of said railway, and to levy a tax for the payment of same, shall be submitted to the qualified voters of such town or city at an election to be held at any time subsequent to the ratification of this act, after twenty (20) days' notice, specifying the amount of subscription to be voted for.

Notice.

Form of ballots.

SEC. 3. That at said election those favoring said subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposing said subscription shall vote a ballot upon which shall be written or printed the words "Against Subscription."

Commissioners or other authorities shall compare vote returned and declare result.

SEC. 4. That the day succeeding the election the Board of Town Commissioners or other authorities of said town or city shall compare the votes as returned by the poll-holders and judges of election and declare the result.

SEC. 5. That if the result of said election shall show that the majority of the qualified voters of said town or city have voted in favor of said subscription to the capital stock of said railway company, then the Commissioners or other authorities of said town or city shall make said subscription to the capital stock of said railway company, payable in such terms as may be agreed upon between the Commissioners or other authorities of said town or city and the authorities of said railway company.

SEC. 6. That in order to pay said subscription the Commissioners or other authorities of said town or city may issue bonds of said town or city in such denominations as to them may seem best, running not exceeding thirty (30) years, bearing interest not exceeding six per centum per annum, payable annually, with coupon attached and sell the same for cash or deliver them to said railway company to pay said subscription.

SEC. 7. That to provide for the payment of interest on said bonds and their redemption at maturity, the Commissioners or other authorities of said town or city are authorized to compute and levy on all property and poll of said town or city a sufficient tax to pay such interest and to provide a sinking fund for the payment of said bonds at maturity.

SEC. 8. That for the purpose of carrying out the provisions of this act and for paying the interest and investing the sinking fund, the Commissioners or other authorities of said town or city are hereby authorized to appoint one or more trustees, who shall have the supervision and control of selling said bonds and paying said subscription and investing the sinking fund, and paying the interest on said bonds, and paying off said bonds at maturity, which trustees shall give bonds in such sums as to the Commissioners or other authorities of said town or city shall seem proper for the faithful performance of their duties.

SEC. 9. That all laws or parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

## CHAPTER 146.

## AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE HOME PROTECTION INSURANCE COMPANY.

*The General Assembly of North Carolina do enact:*

Section 1, chapter 106, Private Laws 1899, amended by inserting new names of corporations and changing name of company to United Mutual Insurance Company.

SECTION 1. That section one of chapter one hundred and six (106), Private Laws of one thousand eight hundred and ninety-nine (1899), being an act to incorporate the Home Protection Insurance Company, be amended by striking out said section down to and including the word "company" in line four (4) thereof, and inserting in lieu thereof the following: Section 1. That John B. Kenney, Walter L. Holt, O. P. Heath, J. W. Cannon, Caesar Cone, George A. Gray, Robert L. Steele, John M. Scott, R. L. Holt, L. A. Carr, Charles W. Johnson, J. R. Chamberlain, W. C. Heath, R. L. Rheinhardt, A. McDowell, George A. Mebane, F. Dilling, Lawrence S. Holt, W. R. Odell, W. H. Williamson, S. F. Patterson, A. H. Boyden, Frank K. Borden, Ashly Horne, J. S. Carr, and all other persons who may hereafter be associated with them in the name and style of the "United Mutual Insurance Company."

Amendment to section 2.

SEC. 2. Strike out in the third line of section two (2) of said act the words "members or stockholders."

Section 3 amended.

SEC. 3. Strike out in line three (3) of section three (3) of said act the words "which may be done by them," and insert in lieu thereof the words "as may be provided by the by-laws of the company."

Section 6 amended.

SEC. 4. In section six (6) of said act insert between the words "lightning" and "wind" in line two (2) thereof the word "water," and by inserting in line four thereof between the words "accident" and "and" in the fourth line thereof the words "steam boiler, use and occupancy, sprinkler, employers' liability."

Section 5 amended.

SEC. 5. Strike out in section twelve (12) of said act, in line four (4) thereof, the word "twice," and insert in lieu thereof the words "five times," and add at the end of said section twelve (12) the following:

[Amendment omitted from act as passed.]

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1901.

## CHAPTER 147.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN  
OF WILKESBORO TO REFUND THE INDEBTEDNESS OF  
THE TOWN.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the town of Wilkesboro are hereby authorized to refund the bonded indebtedness of said town amounting to \$5,000, by issuing bonds to the amount of \$5,000, in denominations of not less than \$100 nor over \$500, as may be most advantageous to said town, said bonds to run ten years and to bear a rate of interest not exceeding six per centum per annum.

Commissioners of  
Wilkesboro au-  
thorized to refund  
bonded indebted-  
ness, and to  
issue bonds.  
Denomination.  
Maturity.

SEC. 2. That the Board of Commissioners of the town of Wilkesboro are hereby authorized to submit the question of the issue of said bonds to the qualified voters of said town, at the regular town election to be held for Mayor and Commissioners of said town in May, 1901, and all voters of said town who shall be in favor of the issue of said bonds shall vote a ticket upon which shall be printed or written the word "Issue," and all those who shall be opposed to the issue of said bonds shall vote a ticket upon which shall be printed or written the words "No Issue," and the result of said election shall be ascertained and declared in the same way as is the result of the election for Mayor and Commissioners of said town. In the event that a majority of the qualified voters of said town at said election shall vote in favor of the issue of said bonds, then the result of said election shall be ratified by the Board of Commissioners of said town, and they shall have full power to issue and sell said bonds, and apply the proceeds of such sale to the liquidation of the present bonded indebtedness of said town: *Provided*, notice of said election shall be given in some newspaper published in said town for thirty days prior to said election.

Interest.

Commissioners  
authorized to  
submit question of  
issue of bonds to  
voters.

Election, when.

Form of ballots.

How result to be  
ascertained and  
declared.

Board of commis-  
sioners to issue  
and sell bonds.  
Application of  
proceeds.  
Notice by publica-  
tion for 30 days.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 148.

## AN ACT TO INCORPORATE THE YADKIN FALLS ELECTRIC COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That V. Mauney, T. C. Ingram, J. S. Henderson, J. Lee Crowell, Wm. A. Smith, J. C. McCaulass, J. M. Mauney and their associates, successors and assigns are hereby declared to be a body politic and corporate under the name and style of The Yadkin Falls Electric Company, and by that name for the period of sixty years may sue and be sued, plead and be impleaded, make and use a corporate seal and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purpose of this act.

Corporate exist-  
ence.  
Corporate powers.

General corporate  
powers.

SEC. 2. The Yadkin Falls Electric Company is authorized (1st) To construct, maintain and operate railroad and street-railways to be run by steam, electricity, water power or otherwise for the transportation of freight and passengers and to charge, collect and receive reasonable tolls therefor; (2d) to build and maintain a dam or dams across the Yadkin river at or near Yadkin Falls for the purpose of utilizing water-power; and to build, maintain and operate bridges and ferries, power plants, mills, canals, aqueducts, waterways, waste-ways, wells and reservoirs needful for its plants, mills, factories or other works or business, and to construct, maintain and operate above or underground wires, pipes, conduits, conductors, poles or rods for the purpose of transmitting water or electricity or other power to any city or town in the State; (3) to purchase, acquire, lease, rent, own, hold, improve, mortgage and sell real and personal property, and all interest therein or incident thereto for any of the purposes of this act; (4) to have, hold, use, exercise and enjoy all powers, immunities, rights, franchises and privileges, which may be conferred upon like corporations by the laws of this State, whether herein specifically enumerated or not, and to be subject to all liabilities imposed by law upon such corporation; (5) to make and sell light, heat, gas, electricity, power and goods and products of every kind and material.

May purchase,  
own, hold and sell  
real estate.

Right of eminent  
domain.

SEC. 3. The Yadkin Falls Electric Company, when unable to purchase by agreement, may enter upon and condemn private property required for its dams across the river, rights of way, depots and stations, and shall pay a reasonable price for the same, and in case a price cannot be agreed upon the said corporation or the owner of the property used or occupied may file a petition before the Clerk of the Superior Court of the county where the land is situated, praying for the appointment of a jury to assess the damages accruing to

Procedure.

such land owner, and upon ten days' notice to the opposite party, the said Clerk shall appoint a jury consisting of three impartial freeholders to assess such damages. The jury within fifteen days after their appointment, first being sworn by some person authorized to administer oaths to do justice between the parties, shall make such assessment and report the same to the Clerk; said report shall remain open for ten days, after being filed with the Clerk, and if no exceptions thereto be filed within the time limited, the said report shall be confirmed and judgment rendered in accordance therewith. If exceptions are filed to said report, the Clerk shall pass upon the same, with the right to appeal by either party to the next term of the Superior Court. The procedure in all cases by petition under this section shall be the same in all respects as prescribed by law in other special proceedings, except as modified by this act. The said company shall not use the streets of any city or town nor the public road in any county without the consent of the proper municipal or county authorities. The condemnation proceedings herein authorized shall apply to railroads, street-railways, telegraph, telephone and electrical lines which may be erected for use by the public and not to those constructed for the private use of the said company apart from the public.

Assessment.

Appeal.

Procedure same as in special proceedings except as modified by this act.

Company shall not use streets of city or town nor public road without consent.

SEC. 4. The capital stock of said company shall be twenty-five thousand dollars, but the same may be increased from time to time to not exceeding one million dollars, and the shares shall be one hundred dollars each, or otherwise as the company may determine.

Capital stock.

Power to increase shares.

SEC. 5. The stockholders and corporators of said company, their associates, successors and assigns shall not be individually liable or responsible for the debts, contracts, defaults, obligations or torts of the company.

Stockholders corporation not liable for debts, etc., of company.

SEC. 6. The said company may make, alter and repeal the by-laws of the company, and all regulations for its control and management, not inconsistent with this act nor with the constitution and laws of this State.

Power to make, alter or repeal by-laws.

SEC. 7. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 149.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF MARION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 183, of the Private Laws of 1889, section 1, be amended by striking out the word "corporation" in line three and inserting in lieu thereof the word "town."

Chapter 183, Private Laws of 1889, amended.

Section 2 amended. SEC. 2. That section 2 of said chapter be amended by striking out lines two, three, four and the word "track" in line five and inserting in lieu thereof the words "Beginning at the southeast corner of Billie Jones' lot, on the old Bakersville road, and runs with said road to the northeast corner of Henry Leonard's lot; then with the north and west lines of said lot to the northwest corner of W. W. Collins' lot; then with the lines of said lot to the northwest corner of Rufe Dobson's lot; then with his north line to the road; then with the road to the southeast corner of the colored Baptist church lot; then with the south line of said lot, and further, to the Brown lot, now owned by D. E. Hudgins; then with his line to the northwest corner of said lot; then a direct course to the southeast corner of the Alex. Carson Hall lot; then a direct course to the top of Phoenix Knob; then south with the outside lines of Wm. McD. Burgin, George J. Tate and Samuel Dobbins to a stake in J. L. Morgan's line of the old Solomon lands."

Section 27 amended. SEC. 3. That section 27 of said chapter be amended by striking out the word "one" in the ninth line from the top of the page of said act, as printed on page 838, of the volume containing the laws of 1889, and inserting the word "two," and by striking out the figures "331-3," in the tenth line from the top on same page, and inserting in lieu thereof the figures "662-3."

Jurisdiction of mayor. SEC. 4. That the Mayor of said town shall have the jurisdiction of a justice of the peace, with full power to issue process; to hear and determine all offenses which may arise within one mile of the corporate limits of the said town; and shall have full power and authority to abate any and all nuisances within one mile from the said corporate limits.

Conflicting laws repealed. SEC. 5. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

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## CHAPTER 150.

### AN ACT TO INCORPORATE THE NEW RIVER VALLEY RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators. SECTION 1. That W. C. Fields, R. L. Greear, J. D. Perkins, W. D. Maxwell, W. C. Grear and R. H. Hackler, and their successors, associates and assigns be and they are hereby constituted and created a body politic and incorporate by the name of the New River Railroad



Company, and as such shall have the power herein granted in perpetuity. That said company may by that name sue and be sued and plead and be impleaded in any court in this State. And the said company shall have power and authority to make by-laws and regulations for its government and management as hereinafter set forth, to elect or appoint all necessary officers and prescribe their powers and duties and to have and use a common seal, which may be changed or altered at pleasure. To acquire by purchase, lease or otherwise, and to hold, own, possess, mortgage, lease and sell or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purpose of this charter, and to have and to exercise every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this State or the provisions of this act.

Corporate powers.

May own and sell real estate, etc.

SEC. 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate, in whole or in part, a railroad with one or more tracks of standard or narrow gauge, from some point on the Virginia line, near where New river crosses the same, to be selected by the president and directors of said company, through the counties of Alleghany, Ashe and Watauga, to such point or points on the Tennessee line as may be found most advantageous by survey. Also to construct, operate and maintain one or more branches, each not exceeding twenty-five miles, to be operated in connection with said railroad.

General corporate powers.

SEC. 3. That the capital stock of the said company shall be five hundred thousand dollars (\$500,000), and it may consist of common and preferred stock, as the board of directors may determine, and the same may be increased from time to time to such an amount as shall give said corporation fifteen thousand dollars worth of common stock and ten thousand dollars worth of preferred stock at par value for each mile of completed railroad owned by it: said increase in the capital stock to be made under such rules and regulations as the board of directors may prescribe, and to be approved by a majority of the stockholders at any regular or called meeting, and said company shall be authorized to commence business as soon as twenty thousand dollars worth of its capital stock at par value has been subscribed. That the stock of said company shall be in shares of one hundred dollars (\$100) each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of their said subscriptions to the capital stock. The books of subscription shall be opened by the corporation, or a majority of them, at such times and places and under such rules and regulations as they or a majority of them may prescribe. That the annual meeting of the stockholders of said company shall be held on the first Tuesday in January of each year, at which time they shall elect

Capital stock.

Power to increase.

Common stock.

Preferred stock.

Commence business, when.

Shares.

Books of subscription opened.

Annual meeting.

Board of directors.	a board of five directors, who shall hold office for the period of one
Term of office.	year, or until their successors are elected and qualified; and the
Called meetings.	directors of the company shall be authorized to call such meetings
	of the stockholders upon such notice and at such time as they
Conduct.	deem fit for the transaction of business. That the affairs of the
	company shall be conducted under the management and control of
	the board of directors who shall, at the regular annual meeting on
Officers.	the first Tuesday in January of each year, elect a president, vice-
Term of office.	president, secretary and treasurer, who shall each hold office for one
	year, and until their successors are elected and qualified; said board
	of directors shall have power and authority to adopt all such by-laws
	as they may deem necessary in the management of the business of
	said corporation.
Certificate of stock.	SEC. 4. That the company shall issue certificates of stock to its
	members and said stock may be transferred in such manner and form
	as may be directed by the laws of the company.
Power to purchase, lease or consoli- date with other railroads.	SEC. 5. That said company shall have power to take by purchase,
	lease or otherwise the railroad franchise and property of any other
	railroad now constructed or that may hereafter be constructed in this
	State or elsewhere. It shall have power to consolidate its franchises
	and property with any other railroad under such name as may be
May assign or lease property and fran- chises, or part thereof.	agreed upon. It may assign or lease its property and franchises or
	any part thereof to any other railroad, and the road so leasing or
	purchasing this road shall hold, own and enjoy all the property and
	franchises so leased or purchased as though they had been originally
	held and constructed by the railroad so leasing or purchasing; and
	the road so leasing or purchasing shall be entitled to all property,
	franchises, privileges and immunities belonging to or pertaining to
	the road created by this act. Any of the powers and privileges con-
	ferred by this section may be exercised by the directors of the com-
	panies concerned in such manner and on such terms as the stock-
	holders of each company may determine. The said company may
	subscribe to the capital stock of any other corporation now in exis-
	tence or hereafter projected in this State or elsewhere, and hold
	shares in the same. It shall have the power to use any section or
	portion of its road before the whole shall have been completed, and to
	charge for transportation of freight and passengers thereon.
Right of eminent domain.	SEC. 6. Whenever, from any cause, the said railroad company
	cannot agree with the owners of the land over which the railroad
	shall go for the purchase of the land for the right of way and depot
Procedure.	purposes, the said company may file a petition before the Clerk of
	the Superior Court of the county wherein the land lies, specifying
	the object for which the land is desired, with a description and plat
	thereof. The Clerk of the Superior Court shall thereupon appoint
	five disinterested freeholders, who shall be summoned by the sheriff,
	to meet on the premises at a time not more than ten days after their

appointment, and assess the damages of the land taken. In assessing the damages the appraisers shall take in consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special or general benefit which the owner may derive from the location of the road. If the consideration shall be for the way only the consideration shall extend only to the right of way, but if a depot or building purposes, the consideration shall be in fee. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises: said report shall be recorded in the office of the Register of Deeds after approval by the Clerk and the payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the Superior Court in term for the approval or disapproval of the Clerk, which appeal must be prayed within ten days from the action of the Clerk.

Assessment of damages.

Report of appraisers to be recorded.

Appeal.

SEC. 7. That the right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-bed, measuring from the centre of the same, except for depot and warehouses, for which part they may condemn not exceeding two acres at any one place.

Restriction.

SEC. 8. That any county, township or town along or near the line of said road may subscribe to the capital stock of said company in the following manner: Upon presentation in writing, signed by not less than one hundred freeholders and resident tax-payers of the county, township or town, to the Board of County Commissioners of said county, or to the proper authorities of said town, requesting them to submit to the qualified voters of the county, township or town where said petitioners may reside, a proposition to subscribe a definite sum, named in said petition, to the capital stock of said company, the Board of Commissioners of said county, or the proper authorities of said town, shall within thirty days, order an election to be held in such county, township or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of said subscription shall vote a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription posted at the court-house door of said county, and at least one voting place in said county, township or town, as the case may be, where said election

County, township or town may subscribe to capital stock, how.

Election to be held.

Form of ballot.

Election, how conducted.

Notice posted at court-house door and other voting places.

Returns.	shall take place. And the returns thereof shall be made to the Board of Commissioners of said county or proper officers of said town.
Subscription, by whom made.	SEC. 9. If the majority of the qualified voters vote for said subscriptions then the Board of Commissioners of said county or proper authorities of said town shall immediately make such subscriptions and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall, upon their face, indicate on account of what county township, city or town they are issued. They shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for said number of years and bear such rate of interest as the petition and order of election shall indicate.
Bonds.	
Denomination.	
Maturity.	
	SEC. 10. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities of a town voting for subscription, who are legally empowered to levy taxes in order to provide for the payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls of said county, township or town, to pay the interest on the bonds issued on account of said county, township or town, and shall also levy a
Special tax.	a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes, and shall be paid by the collecting officers of such county, township or town to the Treasurer thereof, and such taxes levied and collected for these purposes shall be
Sinking fund.	kept distinct from all other taxes and shall be used for the purpose for which they were levied and collected, and no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of said county or township or the proper authorities of such town.
Taxes, how collected. Paid to treasurer.	
Separate fund.	SEC. 11. That said company shall have power to locate, construct, equip, own and operate telegraph or telephone lines through any of the counties mentioned in this act, and may charge for the use of said line or lines such toll as said company may fix not inconsistent with the laws of the State of North Carolina.
Investment of sinking fund.	SEC. 12. That it shall be lawful for said company to receive grants and subscriptions of lands, coal, iron, timber, material or other property, or labor or services at such values and upon such terms as may be agreed on with the board of directors of said company; and it may make payments for the same in its stock or bonds, and may hold the same at pleasure.
General corporate powers.	SEC. 13. That this company shall enjoy the benefits and be subject to the provisions of section one thousand, nine hundred and forty-three to one thousand nine hundred and fifty-one, inclusive, of chapter 49 of The Code of North Carolina, in addition to the
May receive property in payment of stock or bonds.	
Subject to provisions of Sections 1943 to 1951 of Code.	

powers herein granted, in respect to the acquisition of land by condemnation.

SEC. 14. For the purpose of developing industries along its route, said company may own and develop any mineral property or other valuable material, and may subscribe to, or guarantee, the stock or bonds of any mining, manufacturing or development company, or loan money to such companies for the establishment of such industries. Power to develop industries.

SEC. 15. That said company shall begin the work of constructing its road within two years from the ratification of this act. Begin work.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

#### CHAPTER 151.

#### AN ACT TO INCORPORATE THE "FARMERS BANK OF ROCKINGHAM," AT ROCKINGHAM, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Robert L. Steele, Leak S. Covington, W. B. Cole, M. H. Fawkes, Minor S. Hinson, John H. Lewis, A. S. Dockery 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 "Farmers Bank of Rockingham," situated at Rockingham, North Carolina, and shall so continue for the period of sixty years, with the capacity to take, hold and convey real and personal estate, to sue and be sued, and with all the powers, rights and privileges granted to any bank or banking institution, or belonging to corporations of a like character, set forth and referred to in the first, second and third sections, or other sections contained in chapter sixteen, volume one of The Code, entitled "Corporations," or chapter four, volume two of The Code, entitled "Banks." Corporators.  
Corporate existence.  
Corporate powers.

SEC. 2. The capital stock of the said bank shall be twenty-five thousand dollars, and may be issued in shares of fifty dollars each, and such parts of a share as may be necessary and the corporators or directors may elect. The stockholders of said corporation shall have power, by a vote of a majority of 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 Rockingham, North Carolina, and its officers shall consist of a president, vice-president, cashier, and a board of not less than five or more than nine directors, exclusive of the president and vice-president, who shall Capital stock.  
Shares.  
Power to increase.  
Place of business.  
Officers.

Bonds of president, cashier and teller.	<p>be <i>ex officio</i> members of the 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 time as the directors may designate, and shall elect the president, vice-president and directors, and shall 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.</p>
Term of office. Compensation.	<p>SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to 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.</p>
Vacancy.	<p>SEC. 4. Whenever ten thousand dollars are paid up, the said corporators, or a majority of them, may call a meeting of the stockholders in the town of Rockingham, and the stockholders shall proceed to adopt such 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, or until their successors shall be chosen, or for such term as they may prescribe.</p>
Books of subscription.	<p>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.</p>
Subscriptions to capital stock valid.	<p>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 same; may regulate the method of conducting the business of said bank; may do a general banking business, and exercise all the rights, powers and privileges conferred by the public laws of this State on banks and corporations of a like character, 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 and take such interest in advance; may discount, buy and sell notes, drafts and all other securities, or evidences of debt; may loan money on mortgages of real and personal property; may buy, build or lease a banking house, and sell or exchange the same at pleasure; may negotiate loans on real or personal estate, or both, and they shall direct when dividends or profit shall be made</p>
Corporators may call meeting.	
Directors.	
Term of office.	
Cashier, officers and clerks.	
Duties of.	
Bonds of.	
Manner of paying for stock and transferring same.	
General banking business.	

and declared: *Provided*, said bank shall not charge a greater rate of interest than is allowed by law.

SEC. 7. That if any subscriber shall fail to pay for his stock, hereafter or heretofore subscribed, or any part thereof as the same may be required of him, the same or any part thereof remaining unpaid 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, 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 sales may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of sale, the balance may be recovered by civil action, as hereinbefore provided.

Failure to pay for stock may be recovered by civil action.

Notice.

SEC. 8. That said corporation shall have the power to own, maintain or lease warehouses, and carry on the business of 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 by warehousemen; also to advance money, and to take legal liens for all such advances, and collect and receive interest and commissions, compensation for storage, and all labors 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 before said corporation can be required to deliver said property.

May erect and maintain warehouses and do a general warehouse business.

Compensation.

SEC. 9. That when married women, minors or apprentices deposit money or anything of value in said bank, or its branches, either generally or specifically to their own credit, they or any or 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.

Deposits by married women, minors and apprentices.

SEC. 10. That said corporation shall have the right to act as agent, factor or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commissions as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of an account of any State, county, township, town, municipality, corporation, company or individual, any land, certificate of stock, notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bond,

Power to act as agent, factor or trustee.

Compensation.	certificates 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, commissions or rate of compensation as may be agreed upon.
Power to do savings bank business.	SEC. 11. The bank is authorized to organize, in connection with its general banking business, a department for savings, and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto, in case the stockholders of the said bank shall so vote; in which case the said bank may receive deposits in the savings department and give certificates therefor, and to pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also regulate the time of payment and notice of demand.
Interest.	
Stockholders not liable except as to fraud.	SEC. 12. No stockholder shall be in anywise liable or responsible for any debts, obligations, contracts or engagements 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.
Branches or agencies.	SEC. 13. That the said bank shall be located at Rockingham, 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: <i>Provided</i> , the sum of fifty dollars shall be paid to the State Treasurer.
Proviso.	
One vote to each share of stock.	SEC. 14. That each stockholder shall be entitled, in all meetings of the stockholders, to cast one vote for each share of stock of the par value of fifty dollars owned by him or her.
Stock, how transferred.	SEC. 15. 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. No stockholder shall transfer his 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; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder.
May execute trusts.	SEC. 16. That said corporation shall have power to receive money in trust and 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 or agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive any deposit of funds in litigation in the various courts of this State,
Power to act as trustee or assignee and receive deposit of funds in litigation.	



and pay therefor such interest as may be agreed upon, not exceed- Interest.  
 ing the lawful rate. In case its stockholders shall so elect, it shall  
 have power and authority to receive for safe-keeping on deposit all Deposits of valua-  
 money, bonds, stocks, diamonds and silver plate, and other valuables, bles.  
 and collect reasonable compensation for the same, which charge shall Compensation.  
 be a lien on such deposit until paid, and generally to do and carry on  
 the business of a safe deposit and trust company.

SEC. 17. The powers and privileges granted herein shall be Corporation to  
 deemed forfeited unless the said corporation is organized within two organize within  
 years from the ratification of this act. two years.

SEC. 18. That this act shall be in force from and after its ratifica-  
 tion.

In the General Assembly read three times, and ratified this the  
 26th day of February, A. D. 1901.

#### CHAPTER 152.

### AN ACT TO INCORPORATE THE DURHAM LIGHT AND POWER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. C. N. McAdoo, A. M. Southerland and W. G. McAdoo, Corporators.  
 their associates and successors, be and they are hereby created and  
 declared a body politic and corporate under the name and style of  
 "The Durham Light and Power Company," for a term of sixty (60)  
 years from this date, and by that name may sue and be sued, plead Corporate exist-  
 and be impleaded, make and use a corporate seal, and alter the same ence.  
 at pleasure, contract and be contracted with, and be capable of pur- Corporate powers.  
 chasing, holding, buying, selling, leasing, building and operating gas  
 plants, street-railways and electric light systems in the State of  
 North Carolina, or out of the State, for the purpose of transporting  
 persons and property, using electricity or steam as the motive power,  
 and for the purpose of manufacturing light, heat and power, made  
 from or by the use of gas, electricity, coal, oil, steam and water,  
 or any other product or material for any or all of said purposes, and  
 do all and everything necessary and incidental to the carrying on  
 and the conduct of its business, and enjoy all rights and privileges  
 usually conferred upon corporations.

SEC. 2. That the capital stock of said company shall be one hun- Capital stock.  
 dred thousand dollars, with liberty to increase the same at any time, Power to increase.  
 or from time to time, to any sum not exceeding one million dollars,  
 and the company may receive in payment for its capital stock May receive  
 money, property, franchises or services on such terms as the property in pay-  
 directors shall fix, and the company shall have the right to borrow ment of stock.  
 money, to make, dispose of and negotiate its promissory notes, drafts

or bonds, and to mortgage its property or any part thereof, franchises and effects to secure their payment.

General corporate powers.

SEC. 3. That this company shall have the right and power to obtain and acquire franchises of any kind and description for the purpose of erecting and establishing, owning, leasing, building, buying and operating gas, electric light plants or street-railways, and all or either of them in any town, village or city, wherever the proper town officers shall see fit to grant said franchises to said company; that this company shall have the right to acquire by purchase or otherwise any franchise or franchises already or hereafter granted by any town, city or municipality in this State to individuals or corporations for any gas or electric light or street railway plant, or all or either of them, and to acquire by purchase or otherwise any gas or electric plants or street-railway in existence or that may come into existence hereafter.

Place of business.

SEC. 4. That the principal place of business of the company shall be Durham, North Carolina, but the stockholders may meet at any place in the State, other than Durham, as the by-laws of the corporation may provide: *Provided*, that the annual meeting shall be held in Durham, North Carolina.

Annual meeting.

SEC. 5. That the board of directors of said company may make any and all by-laws, rules and regulations for the government of said company as they may think proper, and elect such officers and employees as they may think proper, and fix their terms and salaries: *Provided*, the same do not conflict with this special enactment; that any stockholder of said company shall be eligible to the position of director; that the said board of directors shall have the power and rights incident and necessary to carry out the purposes of this charter; that the principal officers of the company shall be a president, secretary and treasurer, and any of the stockholders are eligible to these positions, but the secretary and treasurer need not necessarily be stockholders of the corporation.

Officers.

Board of directors, when elected.

SEC. 6. That the board of directors shall be elected at the annual meeting of the stockholders, which annual meeting shall be provided for in the by-laws of the company, and said directors shall hold their offices for the term of one year or until their successors are elected.

Term of office.

Stockholders not liable.

SEC. 7. That the stockholders of this company shall not be individually liable for any of its debts, contracts or obligations of any kind whatsoever.

Permission to be obtained.

SEC. 8. That before beginning the construction or erection of any gas plant, street-railway or electric light plant in any city or town or county permission shall first be had and obtained from the Board of Aldermen or Commissioners of such city, county or town.

Power to absorb or consolidate with other corporations.

SEC. 9. Such corporation shall have the power to absorb or consolidate with any other corporation or corporations in this State

engaged in the business of electric lighting, manufacturing and supplying gas and power, or transporting passengers or property, or either of said business, and any and all such corporations are hereby authorized and empowered to consolidate with or sell their property or franchises to said Durham Light and Power Company on such terms and conditions as the directors of said respective corporations may agree upon, and such consolidation or consolidations, merger or mergers, shall become effective upon ratification of the agreement of consolidation or merger, by a majority of all the stockholders of the respective consolidating corporations at any regular or special meeting thereof, and the filing of a duplicate original of said agreement of consolidation or merger in the office of the Secretary of State, and thereupon the consolidated company shall become possessed of and vested with all the property, real and personal and mixed, and all the rights, privileges and franchises of the companies so consolidating. Said consolidated company shall have the right to issue bonds and stocks in such amounts in consideration of the consolidation, upon such terms as the agreement of consolidation may provide. And said consolidated company shall have the right to increase its capital stock from time to time to such amount, and to dispose of the same on such terms as a majority vote of its stockholders may provide, and said consolidated company may purchase and own the stocks, bonds and evidences of indebtedness of other corporations, and may issue its stocks, bonds and evidences of indebtedness in exchange therefor.

Merger to be filed  
in office of Secre-  
tary of State.

SEC. 10. The name of the corporation may be changed at any time or times and whenever desired, upon a vote of a majority of its directors, and such change of name shall become effective upon the filing with the Secretary of State of a certified copy of the resolution authorizing such change of name, signed by the president of the company and attested by the secretary under the corporate seal.

May change cor-  
porate name.

Certified copy of  
resolution filed  
with Secretary of  
State.

SEC. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

#### CHAPTER 153.

#### AN ACT TO AMEND THE CHARTER OF THE LUMBERTON AND LUMBER RIVER RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and seventeen (317) of the Private Laws of the General Assembly of North Carolina, session of 1893, be amended as follows: That section three (3) of said act be amended by striking out the word "twenty" in the first line of

Chapter 317, Pri-  
vate Laws 1893,  
amended.

said section and inserting the word "fifty," and by striking out the word "one" in line three of said section and inserting the word "seven."

Section 16 of said act amended.

SEC. 2. That section sixteen of said act be amended by striking out the word "two" in line three of said section and inserting the word "seven," and by striking out the figures "\$2500)" in line four of said section and inserting the figures "\$7500)," and by striking out the words and figures "eight per centum (8 per centum)" in line six of said section sixteen and inserting the words "not exceeding six per centum."

Powers and privileges conferred not deemed forfeited.

Time extended for organization to three years from and after ratification of this act. Conflicting laws repealed.

SEC. 3. That the powers and privileges set forth in said chapter three hundred and seventeen of the Private Acts of 1893, and the amendments thereto as set forth in this act, shall not be deemed forfeited by non-user: *Provided*, the said corporation is organized within three years from the date of the ratification of this act.

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

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

#### CHAPTER 154.

#### AN ACT TO AMEND THE CHARTER OF THE E. L. SHUFORD MANUFACTURING COMPANY.

Preamble.

WHEREAS, The E. L. Shuford Manufacturing Company has heretofore been incorporated under the general laws of this State, and the organization perfected by election of officers and the adoption of by-laws, and business conducted under said organization; AND WHEREAS, it is desired to enlarge and increase the corporate powers, franchises and privileges of said corporation; therefore,

*The General Assembly of North Carolina do enact:*

Prior incorporation and acts ratified.

SECTION 1. That the said incorporation under the general laws of this State, and the organization, election of officers, adoption of by-laws, subscription issuing transfer and sale of stock and all conveyances heretofore made by or to said E. L. Shuford Manufacturing Company, or made by or to any person for it, and all contracts made by or with said E. L. Shuford Manufacturing Company, which have been or hereafter to be performed, are hereby ratified and made valid, and the charter granted to the said E. L. Shuford Manufacturing Company under the laws of this State be and the same is hereby ratified, and shall be and continue in force as far as the same shall not conflict with the provisions of this act.

SEC. 2. That said Ed. L. Shuford Manufacturing Company may acquire, by purchase or otherwise, hold, lease, sell and convey real estate and personal property of any and every kind, in this or any other State; may buy, sell and deal in goods, wares and merchandise of every description; build, buy, lease, operate and sell saw-mills, cotton-mills, cotton-gins, or other manufacturing machinery or plants; may receive on storage or deposit cotton or other agricultural products and all other kinds of merchandise and personal property for storage, shipment or sale; may act as agent for its patrons in making contracts with insurance companies on cotton or other goods stored or in transit; may collect and receive compensation for storage, selling or shipment of any such articles, together with all expenses of receiving, delivering and all labor incident thereto; may make advances in money or acceptances on cotton, supplies, goods or property of whatsoever kind received on storage, deposit or sale, and compensation for all advances, expenses and charges, with interest, shall be and constitute a preferred lien on said property, which shall be satisfied and paid before the said corporation shall be called upon for the delivery of said property. The said corporation may borrow or loan money, execute mortgages or bonds, discount notes; may subscribe for stock in other corporations, may combine with other corporations for the conduct of its business, purchase the property and franchise of, or sell its own property and franchise to any other similar corporation.

SEC. 3. That the said corporation is authorized and empowered to buy, build, erect, equip and operate telephone and telegraph lines in any county in the State, and receive for the use thereof such tolls, fees or compensation as may be agreed upon to erect plants, to buy, generate, develop, store, use, transmit and distribute power of all kinds in the form of electric current or other forms: to supply any such power to the public, for purpose of power, heat or light, and to charge, collect and receive payment therefor; to establish lines for the transmission of such power or such current for heat and light; to build, control, own and operate electric or other railways and branches in the county of Catawba from Henry's Fork river to the town of Hickory and to any point or points in said town, and also such canal, water-ways, wells, water-courses, bridges, road-ways and other ways for the proper conduct of its business, and to construct dams and obstructions in and across Henry's Fork river as shall be necessary for carrying out the purposes of this section and the business of the corporation, and for that purpose said corporation is authorized to raise the dam already built across said river so as not to interfere with any public bridge, unless authorized by Board of County Commissioners, and may charge such reasonable toll, fees or compensation for use and service of said railway as may be agreed upon: *Provided*, telephone and telegraph lines, and line for

distributing power, heat and light, and such railways as hereinbefore authorized are to be constructed when on the public streets or highways of any county, city or town under such reasonable regulations as the authorities respectively thereof shall prescribe.

Rights of eminent  
domain.

SEC. 4. For the purposes enumerated in section 3, it shall be lawful for the said E. L. Shuford Manufacturing Company, by its officers, agents and others in its employ, to enter upon, take possession of, have, hold and use such lands as may be necessary and suitable for the full development of its water-power, and to do all things whatsoever necessary for the conduct of the business enumerated in section 3, upon the payment or tender of such sums by way of compensation or damages, as may be agreed by said company and the owners of the lands so entered upon, or ascertained in the manner hereinafter provided.

Procedure.

SEC. 5. That when any land or right of way may be required by said company for the construction, maintenance or successful operation of its plant for the purposes named, or when any land may be submerged or otherwise rendered untillable, or of less value to the owner thereof by the said company's dams or water-ways for said purposes, and the same cannot be purchased from the owner or owners for want of agreement as to the value thereof or for other cause, then the same may be taken at a valuation to be fixed by five Commissioners, or a majority of them, who shall be appointed in term time upon petition to the judge holding the Superior Court of the county wherein the land or some part thereof lies. In making the said valuation the said Commissioners shall take into consideration the loss or damage which may be sustained by the owner or owners in consequence of the land being surrendered to said company. If such owner or owners or the said company shall be dissatisfied with the valuation made by said commissioners the party so dissatisfied may file exceptions thereto, subject to the rules, regulations and restrictions governing in other like cases. The proceedings of the said commissioners, with a full description of the lands, shall be returned under the hands and seals of a majority of them, to the Clerk of the Court from which the commission issued, in whose office, after confirmation by the judge, the same shall remain as matters of record: and the same shall be registered in the office of the Register of Deeds of each county wherein the lands so condemned lie, and the lands so valued shall vest in said company as soon as the amount of such valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of commissioners as provided in this section, it shall be made to appear to the satisfaction of the court that at least ten days' notice of such application had been previously given to the owner or owners of the lands proposed to be condemned, or if the owner or owners be under disability, then to the guardian, if any, of such owner or owners, as well as to such

Valuation by  
commissioners.

Returns made to  
clerk of court.

Confirmation by  
judge.  
Matters of record.

Assessment paid.

Notice previously  
given.

owner or owners; or if the owner or owners who are not under disability, or the guardian of such owners as are under disability, cannot be found within any county wherein a part of the land lies, or the owner or owners be not known, then that such notice of such application had been published once a week for at least six weeks in some newspaper printed in the county wherein such application is made. The valuation provided for in this section shall be made on oath by the commissioners appointed, who shall be sworn by any person authorized by law to administer oaths to make such valuation honestly and fairly, to the best of their ability, without fear or favor reward or the hope of reward. The right of condemnation herein granted shall not authorize said company to invade any burial ground, public or private, or dwelling-house. And the said condemnation proceedings shall only apply to depots, stations, dams, bridges and rights of way for railways, street-railways, power and electrical lines, pipe lines and water-powers for public use, and not to those erected for the convenience and purely private purposes of said company.

Notice by publication.

Valuation made on oath.

Right of condemnation shall not apply to burial grounds, public or private, or to dwellings

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

#### CHAPTER 155.

#### AN ACT FOR THE BETTER GOVERNMENT OF THE TOWN OF SPRAY, IN ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eighty-two (182) of the Public Laws of 1899, being "An act to confer police powers on deputy sheriffs at Haw River, in Alamance county, and every part and provision thereof be and the same is hereby made to apply to the town of Spray, in Rockingham county, and particularly to the lands of the Spray Water Power and Land Company, the American Warehouse Company, Leaksville Cotton Mills, Spray Cotton Mills, Spray Mercantile Company, Nantucket Mills, Lily Mills and Leaksville Woolen Mills, situated at the said town of Spray, and the sheriff of Rockingham county and his deputies, and also the constables resident in Leaksville township, shall in regard to the territory and premises above mentioned be in all respects governed by said act of 1899.

Chapter 182, Private Laws 1899, made applicable to town of Spray, in Rockingham county.

Sheriff, deputy sheriff and constable to be governed by Acts of 1899.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

CHAPTER 156.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HIGHLANDS, MACON COUNTY.

*The General Assembly of North Carolina do enact:*

Prior incorporation amended.

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SECTION 1. That an act of the General Assembly of North Carolina, entitled "An act to incorporate the town of Highlands, in the county of Macon, ratified the thirteen day of March, one thousand eight hundred and eighty-three, be and is hereby amended to read as follows: "That the Mayor and Board of Commissioners of the town of Highlands be continued as such until the next regular election as provided for in section 4 of this charter, and that the said Board of Commissioners, together with the inhabitants of said town, shall be and continue to be, as they heretofore have been, a body politic and corporate, under the name and style of the Town of Highlands, and under such name and style are hereby invested with all property and rights of property which now belong to said corporation, and by such name it may acquire and hold for legitimate municipal purposes all kinds of property and dispose of such property when by a majority vote of the legal voters of the said town it is declared proper so to do.

Corporate limits.

Chapter 114, Private Laws 1889, not applicable.

SEC. 2. That the corporate limits of said town shall be one and one-half miles square, to be determined by closing in lines running three-fourths of a mile north, south, east and west from the crossing of Main and Fourth streets, subject to the following exceptions, viz.: That this act shall not be construed as repealing or in any way modifying or affecting any of the provisions of chapter one hundred and fourteen (114) of Private Laws of eighteen hundred and eighty-nine, and all the lands that lie west of the east boundary line of State grant number ten hundred and eighty-five, as mentioned in section four (4) of said private act of eighteen hundred and eighty-nine, are hereby expressly excepted from the provisions of this act.

Officers.

Term of office.

Chapter 62 of Code applicable.

SEC. 3. That the administration of said town shall be vested in one principal officer, the Mayor and five Commissioners, to be elected annually as provided for in section five (5) of this charter, and a Clerk to be elected for a term of one year, and the said Board of Commissioners shall have all the powers and privileges conferred by and subject to all forfeitures and penalties imposed by the provisions of chapter sixty-two of The Code of North Carolina, in so far as the same are not in conflict with the special provisions of this charter, in addition to the powers conferred by this charter.

Election.

SEC. 4. That the election of said officers shall take place on the last Monday in November of every year, the newly elected officers taking charge of their functions on the first day of January following.



SEC. 5. That the election of said officers shall be held according to Australian ballot, the so-called Australian election laws, by which the town provides printed tickets on which the names of all citizens running for office are printed. The voter shall mark with a cross the names of those candidates he votes for and shall himself put the ticket into the poll-box. The judges of the election shall not allow more than one voter at a time to enter the room where the votes are cast, and no voter shall receive more than one ticket, and no other tickets shall be used than those provided by the town authorities.

SEC. 6. That the Board of Commissioners shall appoint a Treasurer and a Tax-collector, but before these officers enter upon the discharge of their respective duties each shall give bond with sufficient sureties in such sum as the Board of Commissioners may prescribe, which sum shall be at least double the amount of the taxes levied the previous year.

Treasurer and tax-collector appointed, how.  
Bonds of officers.

SEC. 7. That any qualified elector in this State shall be eligible as Mayor or Commissioners: *Provided*, he shall have resided within the corporate limits of said town for twelve months next preceding the day of election.

Who eligible to office.

SEC. 8. That all persons entitled to vote in the general election in the county and State, and who shall have been actual residents of the town of Highlands for ninety days next preceding the day of the election, and shall be registered on the registration books of said town as hereinafter prescribed, shall be entitled to vote for Mayor and Commissioners and at any election or town meeting held therein for any municipal purpose.

Electors.

SEC. 9. That the Commissioners of Highlands shall have neither right nor power to levy any taxes, special or otherwise, except as by this charter specifically mentioned and provided, for any purpose whatever, without the consent of the citizens, voters of the town, who for such purpose shall be called together by the Mayor in public meeting as often as may be required for such purposes, and decide by a majority vote all questions of taxation. That the voters of said town shall have the power to levy taxes and appropriate the same for all municipal purposes, including advertising of the town, the repairing and construction of roads and ways beyond the limits of the incorporation, for fire, school, street work and improvements and other like municipal purposes and uses.

Power of commissioners to levy taxes restricted.

Providing for special taxes.

SEC. 10. That the Board of Commissioners shall, within sixty days after their election and entry into office, call a public meeting of the voters of Highlands, and at such meeting submit to them an estimate of the probable expenses for streets, bridges and other municipal affairs, and also to make estimate of the amount of tax to be levied on real estate and personal property; the majority of the voters present at said meeting shall determine the amount and proportions of the taxes to be levied for the current year.

Commissioners to submit to voters question of tax levy for public improvements.

Town clerk  
registrar.

Registration  
books.

Registration  
books opened.

Oath of elector.

False swearing a  
felony.  
Penalty.

Electors becoming  
of age to register  
on day of election.

Vacancy.

Mayor *pro tempore*.

Mayor given full  
power and juris-  
diction as justice  
of peace within  
corporate limits of  
town.

SEC. 11. That the Clerk of the said town shall be registrar, and shall be furnished by the Board of Commissioners with registration books, and it shall be his duty after being qualified to perform the functions of his office fairly, impartially and according to the general laws of the State and the provisions of this charter relative to registration of voters, and the registrar shall annually, between the hours of 8 a. m. and sunset, Sundays excepted, from and including the first Monday in November until within ten days previous to the election, keep open the books for the registration of any electors residing within the corporate limits and entitled to registration, and the said registrar may require any person offering to register to take and subscribe an oath that he has resided in the State of North Carolina twelve months, and in the town of Highlands ninety days, previous to the day of election; that he is twenty-one years of age, and that he is an actual and *bona fide* resident of the said town and a qualified voter according to the then existing laws of the State. If any person shall willfully swear falsely in taking such an oath he shall be guilty of perjury and punished as in like cases of perjury. Any person coming of age after the closing of the registration books shall, if otherwise qualified, be allowed to register on the day of election.

SEC. 12. That if for any reason a vacancy occurs in the office of Mayor the Commissioners shall choose some person to fill said vacancy for the remaining unexpired portion of the term, to act as Mayor, who shall have all the powers and duties of Mayor as if he had been duly elected to the office, and the Commissioners shall in like manner fill all vacancies which may occur, and supply the places of such members as shall refuse to act in their own board, and such persons only shall be chosen as are heretofore declared to be eligible to office. In the event of the Mayor's absence, sickness, or inability to act, for any reason, the Commissioners may appoint one of their own number to exercise his duties *pro tempore*. The Commissioners shall have the power to summarily remove for good cause any officer appointed by them.

SEC. 13. That the Mayor of Highlands is hereby constituted an inferior court, and as such, within the corporate limits of the town, shall have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, issue process, hear and determine all causes of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violations thereof, and to execute the by-laws and regulations made by the Commissioners, and may cause, upon proper proceedings, to be arrested, persons charged with or convicted of misdemeanors and other crimes in other counties or States, who may be found within the town limits, and bound or imprisoned to appear at the proper tribunal to answer for their offenses. The Mayor shall

further be a special court for the trial or hearing of all violations of the general laws of the State occurring within the limits, and to this end shall have the powers of and be chargeable with the duties of a justice of the peace. That he shall have arrested and tried all persons who are charged with misdemeanor for violating any ordinance of the town, and if the accused be found guilty, he shall be fined or imprisoned at the discretion of the court, not exceeding the amounts specified in the ordinance so violated: *Provided*, the fine in no case shall exceed the sum of fifty dollars, nor the imprisonment thirty days.

Mayor constituted a special court.

Penalty.

Proviso.

SEC. 14. That all fines and penalties imposed by and collected under the judgment of the Mayor shall belong and inure to the exclusive benefit of the town of Highlands.

Fines and penalties collected for benefit of town.

SEC. 15. That in all cases where judgments may be entered up against any person for fines or penalties, according to the laws and ordinances of the town of Highlands, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment it shall be lawful for the Mayor, before whom such judgment is entered, to order and require such person or persons so convicted to work upon the streets or other public works of said town of Highlands, until at a fair rate of wages to be established by said court, such person or persons shall have worked out the full amount of the judgment and the costs of the prosecution. That the Mayor shall have power to commit any person convicted of a violation of any town ordinance to the town prison until the fine and costs imposed by him, and the jail fees are paid or worked out, as hereinbefore provided, and such persons can only be released in the manner provided in like cases in the justices' courts of the State.

Failure to pay fines, penalties and costs, defendant may be adjudged to work on public works of town.

SEC. 16. That the Mayor shall be entitled to the following fees in the cases herein enumerated, whereof he may have jurisdiction as Mayor: For every warrant issued by him for the recovery of any penalty, or for other cause of action, twenty-five cents; for every judgment rendered thereon one dollar, to be taxed among the costs; for every warrant issued by him as Mayor to apprehend offenders against the criminal laws of the State under which he may be arrested and tried, or recognized to appear before a court of record, and in subsequent proceedings thereunder before him, such fees as are awarded to justices of the peace in like cases, upon submission or conviction of the offender, to be taxed among the other costs in the case; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offender, by such as may convey him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents.

Fees of mayor.

SEC. 17. That the Mayor may issue his precepts to the Town Marshal and to such other officers of the county to whom a justice of the peace may issue his precepts.

Mayor's precepts.

Mayor's docket.

SEC. 18. That the Mayor shall keep a docket in which a faithful minute of precepts issued by him and of all his judicial proceedings shall be recorded.

Bond of town marshal.

SEC. 19. The Marshal of the town of Highlands shall furnish a suitable bond whenever the commissioners may require, in such sum as they may deem proper, and conditioned for the faithful performance of his duties, and he shall have the same powers and be subject to the same restrictions as are provided by law for constables and other peace officers within the county, and shall have the power to execute the precepts and process of the Mayor outside of the limits of the town, whenever it shall be lawful and proper so to do, and shall be entitled to receive for his services the fees provided by law for constables and other peace officers of the county for like services.

Fees.

Commissioners to have power to enact ordinances for government of town.

SEC. 20. That the Board of Commissioners shall have the power to pass ordinances not inconsistent with the general laws of the State or contrary to constitutional limitations providing suitable measures for the police security, health and cleanliness of the town, for the quarantine and prevention of the spread of contagious diseases, and other like measures necessary for public health and security of property. That the Commissioners shall have the right to make such ordinances as are requisite for the purpose of enabling the collection of taxes in special cases to be made by the payment of the same to the town in labor upon municipal works, at such rate of compensation, per diem, as may be just and fair, the same to be determined by the Commissioners. And for the collection of taxes on the poll where the delinquents have no property, real or personal, within the corporate limits, out of which such tax can be collected, by requiring the said tax to be paid by labor upon the public works of said town. Also to pass such ordinances as may be requisite, establishing the rates of commission to be paid Tax-collector, and the fees or compensation to be paid other town officers appointed by them. That the Commissioners of the town shall have the power to appoint and prescribe by ordinance the duties of all subordinate officers of the town, as the Marshal, Health Officer, Fire Marshal, Street Commissioner and other officers, that may be necessary for the proper administration of the municipal affairs of Highlands.

Compensation to tax-collector.

Tax-collector, powers and duties.

SEC. 21. The Tax-collector of the town is hereby vested with the same power and authority in the collection of the municipal taxes that the sheriffs of counties have, and be subject to the same penalties for failure and neglect of duty. He shall be charged with the sums appearing by the tax-lists as due for town taxes. He shall be credited in settlements as sheriffs are credited with amounts in suit by appeal, all poll-taxes and taxes on personal property certified by the Clerk of the Commissioners of the county by order of the Board of County Commissioners to be insolvent and uncollectible. The Board

of Town Commissioners the meeting before the last regular meeting in each year shall appoint one of their number to be present and to assist at the accounting and settlement between the Tax-collector and Town Treasurer, or if the Town Treasurer and Tax-collector be one and the same, as may be the case, to audit and settle the accounts of Treasurer and Tax-collector together. The accounts so audited shall be reported to the Board of Commissioners and when approved by them shall be recorded in the minute book of said board, and shall be *prima facie* evidence in their correctness, and shall be impeachable only for fraud of specified error. It shall be the duty of the Commissioners to remove any Tax-collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible for re-election to any office.

Committee of board of commissioners to settle with tax-collector and treasurer.

Record to be made.

Removal of tax-collector.

SEC. 22. That in addition to subjects liable to taxation for State purposes, the Commissioners shall have power to levy a specific or license tax on all the subjects, trades or professions carried on or exercised within the corporate limits that are now taxable for State and county purposes, including liverymen, butchers and venders of meats and the like.

Subject of taxation.

License tax.

SEC. 23. That the Commissioners shall have the power to impose annually such tax per capita on all dogs running at large or kept within the corporate limits of the town as they may deem proper.

Dog tax.

SEC. 24. That the Board of Commissioners shall have the power to declare all horses, sheep, hogs, goats, cattle and other live stock running at large within the corporate limits of the town a nuisance, and the Commissioners may impose a fine upon the owner or owners, of such animals running at large or may treat the same as a nuisance and have it abated: *Provided*, that this section shall not apply to dogs whose owners have paid such tax as may have been imposed upon them and otherwise complied with all ordinances made in regard thereto.

Live stock running at large prohibited.

Penalty.

Proviso.

SEC. 25. That the Board of Commissioners may make such ordinances as they consider necessary for the regulation of the impounding and sale of all animals mentioned in section 24 of this act, found running at large in the streets and public places of the town not inconsistent with the general statutes of the State.

Impounding and sale of live stock.

SEC. 26. That the town of Highlands shall have the power at their election to inclose the said town by a lawful fence placed upon the boundaries of the said town, or at such places within the said boundaries as the Commissioners thereof may elect, and that they shall have the power to erect and maintain gates at all points where the said fence shall cross public ways. That the said town is hereby constituted a stock law territory within its corporate limits, and as such shall be subject to all the general laws of the State applicable thereto.

Power to erect fences and gates.

Town a stock-law territory.

SEC. 27. That the Commissioners of Highlands shall have the

Power to enact penalties for failure to close gates.	power to pass suitable ordinances, to be operative in their force, and imposition of penalties, for the non-compliance therewith, upon residents and non-residents, relative to the closing of said gates.
Sale of property for non-payment of taxes.	SEC. 28. That in all sales of land for taxes the Commissioners of the town shall require the said land to be specifically described and advertised for a period of thirty days in some newspaper published in the town or county, and all sales shall take place at the Mayor's office in said town on a day to be fixed by the Commissioners for that purpose, and such sales shall be subject to all the provisions of law regulating the redemption of lands so sold. The conveyances of lands sold for taxes shall be in form as near the same employed by sheriffs for that purpose as may be and shall be executed by the Mayor and two of the Commissioners of the town. That all sales of personal property for taxes shall be had after ten days' public notice of such sale given by posting such notice at the Mayor's office and three other public places in the said town.
Advertisement.	
Conveyance of land sold for taxes.	SEC. 29. That all taxes levied on real estate and personal property shall be due on the first day of August in each year, and if any person shall fail to pay his tax on or before the first day of November of each year, then it shall be the duty of the Tax-collector of Highlands to collect said taxes by levy as provided by law for sheriffs or county tax-collectors, and by the provisions of this charter, and the Tax-collector shall add to the said delinquent's tax ten per cent. thereof and fifty cents for the levy and sale.
Sale of personal property. Notice.	
Taxes, when due.	SEC. 30. The Town Clerk shall be tax-lister for the town and shall on the first Monday in June of each year, by public notice posted in four public places in said town, notifying all persons residing in Highlands who own or have control of taxable property in the town on the first day of June to return to him on or before the last Monday of June a list of their taxable property in said town. Said lists shall state the number of lots, or parts of lots, and all other property now taxable or that hereafter may be made taxable by the laws of the State or ordinances of the town, and the list so returned to the Clerk shall be sworn to before him. From the returns so made the Clerk shall, within thirty days after the said last Monday in June, make out in the tax-book an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax-lists are made out by law for the collection of State taxes. The said Clerk shall copy in said book the assessments on file in the office of the Register of Deeds of all property within the town. Assessments may be received, corrected and amended by the Board of Commissioners. The same remedies for the correction of assessments and valuations, as now prevail and are accorded by the Commissioners of the county in such cases shall be accorded to the citizens and property owners of the town by the Board of Commissioners of said town, and the same rights of appeal from the decision of the County Commissioners as now exist shall be exercised by the
Collect by distraint.	
Tax-lister. When to list.	Alphabetical tax-list.
Assessments.	
Right of appeal.	

property owners of the town from the decision of the Commissioners in such cases.

SEC. 31. That the Clerk shall, within thirty days from the last Monday in June, make out to the best of his knowledge and belief, by comparing his books with the returns made to the Register of Deeds of the county, of assessments made by the county assessors, and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in said town who shall have failed to return a list in manner and within the time aforesaid; and any such person who has so failed, for such failure to pay double the tax assessed on any subject for which he is liable to be taxed. The Board of Town Commissioners shall have all the power to revise the tax-list, except to alter valuations of real estate made by county assessors and shall, as near as may be made, make the tax-list correspond with the tax-list given in to the county by the citizens of the town, on all subjects embraced in both lists.

Clerk to make list of those failing to list taxes.

Penalty.

Power of commissioners to revise list.

SEC. 32. All persons who are liable for a poll-tax to said town and shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time provided in this charter shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof shall be fined not more than twenty-five dollars, or imprisoned not more than ten days. It shall be the duty of the town Tax-collector to prosecute all offenders under this section.

Failure to list poll or property a misdemeanor.

Penalty

SEC. 33. That the citizens of Highlands shall have the right to elect a public school board, consisting of three members, for said town. Such members shall be voters and property holders within said town.

School board.

SEC. 34. The Board of Commissioners of Highlands shall have power to lay out and open new streets and alleys within said town, to alter and amend those now existing as public necessity may demand and to discontinue such streets as may be unnecessary.

Power of commissioners regarding streets.

SEC. 35. That from and after the acceptance of this charter the same shall be thenceforth the charter of the town of Highlands, and all laws now constituting the charter of the town and affecting the government thereof, or the grants heretofore made of its corporate franchise, are hereby repealed: *Provided, however,* that such repeal shall not annul any ordinance, by-law or rule of the corporation, unless the same be inconsistent with this act, nor shall such repeal affect any act done, or right accruing or accrued or established before the time when such repeal shall take effect, neither shall any right, estate, duty or obligation possessed by or due to the corporation be lost, affected or impaired by such repeal.

Acceptance of charter.

Conflicting laws repealed.

SEC. 36. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1901.

## CHAPTER 157.

## AN ACT TO INCORPORATE THE JACKSON SPRINGS RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

- Corporators.** SECTION 1. That R. N. Page, J. R. Page, Frank Page, H. A. Page, W. H. Page, M. E. Page, E. C. Page and Frances Page, and their associates, successors and assigns be and they are hereby constituted and created a body politic and corporate under the name of "Jackson Springs Railroad Company," and as such may sue and be sued, plead and adopt a common seal and change the same at will, and shall have all the general powers granted to and subject to all the general restrictions imposed upon railroad companies by the laws of this State.
- Corporate powers.**
- General corporate powers.** SEC. 2. That said company be and is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate by steam or other motive power a railroad with one or more tracks from West End, in Moore county, to Jackson Springs, in Moore county, by such route or routes as the directors of said company may determine, and to that end shall have the right to acquire by purchase, gift or condemnation such lands as may be necessary for its purposes, and shall have and convey all the rights, powers and privileges that are granted to railway corporations by the general laws of the State.
- Officers.** SEC. 3. The officers of the corporation shall consist of a president, a vice-president, a secretary, an auditor, a superintendent, a general manager and a treasurer, and such other officers as the by-laws of the company may from time to time prescribe, whose duties shall be prescribed in the by-laws of the company may from time to time prescribe, whose duties shall be prescribed in the by-laws of the company: *Provided*, that the directors of the company may from time to time combine the various offices as they may desire. The said officers shall be elected by the directors of the company and shall hold office for a term of one year and until their successors shall have been chosen and shall have qualified. There shall be seven directors of the company, elected by the stockholders, who shall hold office for one year and until their successors are chosen and qualified, and whose duties shall be prescribed in the by laws.
- How elected.**
- Term of office.**
- Directors.**
- Term of office.**
- Capital stock.** SEC. 4. The capital stock of the said corporation shall be fifteen thousand dollars, divided into 150 shares of the value of one hundred dollars each, but it may from time to time be increased to such an amount as a majority of the stockholders in value shall determine. The said increased amount to be likewise divided into shares of the value of one hundred dollars each. Said capital stock may be divided
- Shares.**
- Power to increase.**



into preferred and common shares in such proportions and with such privileges, qualities and characteristics as a majority of the stock-holders in value may determine.

SEC. 5. The said company shall have the right to contract, main-  
tain and operate such lateral and branch lines as may in its opinion  
be necessary or advantageous to the extension, completion and suc-  
cessful operation of said railroad; and for these purposes it shall  
have the power to construct dams, culverts, trestles and bridges over  
or across streams, savannas, valleys and depressions, and it is  
hereby empowered to build, maintain and operate telegraph and  
telephone lines on its right of way or any part thereof.

General corporate  
powers.

SEC. 6. That said company shall be fully empowered to take by  
purchase or gift and to hold in fee-simple or in any other manner  
any number of acres of land besides the amount that may be neces-  
sary for its right of way, depots, warehouses, shops and other neces-  
sary buildings.

Power to hold real  
estate.

SEC. 7. The said company may subscribe to the capital stock of  
any other corporation now in existence or hereafter projected in  
this State or elsewhere, and hold shares in the same. It may sell  
or lease its own road or equipment and buy or lease other roads or  
equipment as hereinafter provided; it may buy, sell, own, hold and  
deal in real estate, standing trees, lumber, lumbermen's materials  
and supplies, wood, coal, and in all other goods, wares, and mer-  
chandise of any and all kinds; it may build, equip and operate saw-  
mills, planing-mills, stone-mills, shingle-mills, dry-kilns, hotels,  
boarding-houses, mineral springs and other summer and winter  
resorts, mills for the manufacture and production of both dressed  
and undressed lumber, sash, doors, blinds and all other kinds of  
building material. It may establish plants for the manufacture of  
electricity and manufacture and sell the products thereof; it may  
own and operate all kinds of machinery, apparatus and equip-  
ment necessary and suitable for the manufacture of brick; it shall  
have full right, power and authority to locate, construct, equip,  
maintain and operate tram-roads without the right of condemnation;  
it may purchase, open up and operate farms and vineyards and may  
pursue other agricultural and horticultural operations; and said  
corporation shall have a right to sell and deal in all such products  
or material as may by its operations aforesaid be produced.

May subscribe to  
capital stock of  
other corporations.

General corporate  
powers.

SEC. 8. The said company shall have the exclusive right to carry  
and transport passengers and freight over and along said road and  
its branches at such rates as said company may prescribe, subject to  
such general laws, regulating the same as the General Assembly may  
from time to time make and establish, or may have hitherto made  
and established; and it shall have the right to transport all manner  
of goods as expressed and to make and collect all charges for the  
same, and to transport the United States mail and to make and to  
collect all charges for the same.

Power to transport  
passengers, freight  
and U. S. mail.

Right of eminent  
domain.

SEC. 9. That it shall be lawful for any officer, agent, surveyors, engineer, or employer of said company to enter at all times upon the lands or waters of any person or corporation for the purpose of exploring, leveling, surveying or doing anything necessary or proper to be done for laying out the said railroad and locating and constructing the same, together with all its branches, sidings, switches, turn-outs, and for the purpose of erecting all necessary works and buildings required in their behalf, paying for all injuries to private property; the said company is hereby authorized and empowered to proceed without interruption with the location and construction of its said road and every part thereof, together with the necessary and proper depots, warehouses, water-stations, sidings, switches, turn-outs, branches, workshops, depositories and other buildings or structures necessary and proper for the accomplishment of the purposes of its incorporation; and to that end it is hereby authorized and empowered to enter upon and take possession of all such lands as may be needful and necessary for the purposes aforesaid without the delay of completing or beginning proceedings for the condemnation thereof; and upon the said location and construction of the said road or any part thereof or upon any of the above mentioned structures having been made, if no agreement with the owner of the land so occupied shall have been made by the company, the title to the land so occupied shall be vested in the said company, and proceedings for the value of the land so occupied may be brought by the person from whom it is so taken in the manner prescribed by the general law of the State as contained in The Code of North Carolina with its amendments applicable to the condemnation of land for railroad purposes. And the commissioners who shall be appointed to ascertain and determine the amount of compensation which shall be paid for the said land by the said company shall, in making their appraisalment, take into consideration the actual value of said land before the construction of the proposed railroad and the enhanced value of the land caused by the construction of the said railroad, and the particular loss or damage, if any, which the owner may sustain, as well as the particular benefit, if any, which the owner may enjoy by reason of the condemnation of said lands to the use of the said railroad company: *Provided, however,* that the right of said company to condemn and take land under this act shall be limited to a space of not more than one hundred feet on each side of the centre line of its road-bed, except in cases of deep cuts or high embankments, when said company shall have the right to condemn and take as much in addition thereto as may be necessary for the proper construction of its road; and except also that for depots, warehouses, station grounds, shops, yards, gravel pits, quarries or other purposes necessary for the construction and operation of said road it may condemn not exceeding ten acres in any one place: *Provided,* the said company

Procedure.

Appraisalment.

Restriction as to  
right of way.

shall not have the right to condemn land except for railroad purposes.

Sec. 10. The said company shall have power to issue, negotiate and sell its bonds, either coupon or registered, for the construction or management or operation of its roads to any amount that may be necessary, not to exceed twenty thousand dollars per mile, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust, conveying its franchises, road-bed, rolling stock, right of way, and any and all other property of any kind owned by said company or any part of its said corporate property and franchises on such terms and conditions as a majority in value of its stockholders may deem proper.

Power to issue bonds.

Sec. 11. The said company shall have the right to consolidate with any other railroad company organized or doing business under the laws of this State with which it may connect directly or indirectly on such terms and conditions as may be agreed upon by and between the stockholders of this and any other such company: *Provided*, that any corporation or company resulting from a consolidation under the foregoing provisions of this act shall be a domestic corporation and subject to the laws and jurisdiction of North Carolina; or said company may lease or sell its road and property to any other person, persons or corporation upon such terms and on such conditions as to the stockholders or a majority in interest may seem proper: *Provided*, that such consolidation or lease is approved by the affirmative vote of the holders of at least two-thirds of the capital stock of the said company.

Power to consolidate.

Domestic corporation.

Proviso.

Sec. 12. That the corporate existence of the company hereby chartered shall continue for the term of sixty years from and after the date of the ratification of this act.

Corporate existence.

Sec. 13. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall not be individually liable for the debts, defaults or liabilities of the said company beyond the amount of their individual subscription to its capital stock.

Stockholders not liable.

Sec. 14. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby to the extent of such conflict repealed.

Conflicting laws repealed.

Sec. 15. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 158.

## AN ACT TO INCORPORATE THE BANK OF DUNN.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That L. J. Best, J. W. Purdie, John C. Adams, J. L. Thompson, J. D. Barnes, C. H. Sexton, W. M. Sexton, Geo. E. Prince, John E. Wilson, E. R. Wilson, M. L. Blackman, J. M. Starling, J. D. Parish, C. F. Johnson, Samson Warren, 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 Dunn," to be located in the city of Dunn, Harnett 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 corporations set forth or referred to in the first, second and third sections of chapter sixteen of volume one of The Code, entitled "Corporations."

Corporate existence.  
Corporate powers.

Books of subscription to capital stock.

SEC. 2. The incorporators named in the first section or three of them are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such period as they shall determine.

Capital stock.  
Shares.

Power to increase.

SEC. 3. The capital stock of said bank shall be twenty-five thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time until fifty thousand is reached, and whenever five thousand dollars is subscribed and paid up, the said incorporators or a majority of them, in person or by proxy, may call a meeting of the stockholders in the city of Dunn, 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 they please, not inconsistent with the laws of the State, and may elect such number of directors as they may deem necessary, to serve until their successors shall be chosen, or for such term as they may prescribe. The directors shall elect one of their number president and shall appoint a cashier and other officers and clerks as may be provided for by the by-laws, to serve at the discretion of the directors during the continuance in office of said directors, and the directors shall prescribe their duties and may take from them bonds with security for the faithful discharge of their duties, and may fix their compensation.

Meeting to organize.

Officers and employees.

Term of office.

Bonds.

SEC. 4. The said board of directors may adopt and use the seal,

and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the methods of conducting the business of said bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the laws of the State on banks and corporations, especially those set forth in chapter four, volume two of "The Code"; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate; may discount, buy and sell notes, drafts and all other securities or 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 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 or 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.

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 certificates therefor, and provide how they may be transferred and assigned, and all certificates of deposits and checks signed by the cashier shall be as binding as if under the seal of this corporation; may invest in stocks, bonds or other 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 Dunn 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 of such sale shall not be sufficient to discharge the amount of the

General banking business.

May receive deposits of minors, *femes covert*, executors, administrators, guardians, trustees and fiduciaries.

Nothing contained herein to be construed to release trustees, guardians, executors and others from responsibilities on their official bonds.

Subscriptions to capital stock may be recovered by civil action.

Advertisement.

unpaid subscription, with all cost of such sale, the subscriber shall be liable for the deficiency in a civil action.

Transfer of stock.

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 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.

May erect and maintain warehouse and do general warehouse business.

SEC. 8. The 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 for storage or deposit and compensation for all charges and expenses thereon shall be preferred lien or said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

Deposits by married women, minors and apprentices.

SEC. 10. That when married women, minors or apprentices deposit money or said value in this bank, either generally or specially, to their own credit, they or any of them, may draw the same on their check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by said individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

Property sold bank may purchase.

SEC. 11. When this bank sells the property of its debtors, or when such property shall be sold for its benefit, it may bid for, buy and hold any and all such property.

Power to act as agent, factor or trustee.

SEC. 12. That said corporation shall have a 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 upon in registering, selling, countersigning, collecting, acquiring, holding, dealing in and disposing of an 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 commissions or rates of compensation as may be agreed upon.

Compensation.

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.

Savings bank feature.

Interest.

SEC. 14. No stockholder shall be in anywise individually liable or responsible for any debts, obligations, contracts or agreements 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 one of The Code of North Carolina.

Stockholders not liable.

President, cashier and directors liable for fraud.

SEC. 15. 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 fifty dollars held by him or her.

Stock vote.

SEC. 16. 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.

Powers and privileges not forfeited by non-user if organized in five years.

SEC. 17. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

#### CHAPTER 159.

#### AN ACT TO INCORPORATE THE EASTERN INSURANCE COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That James L. Fowle, William A. Blount, S. C. Corporators, Bragaw, C. E. Harding and H. Sussman, their associates, successors and assigns be and are hereby created a body politic and corporate under the name and style of the "Eastern Insurance Company," and under that name and style may sue and be sued, plead and be impleaded in any and all courts, and may by purchase, gift, devise or in any other way acquire, hold, enjoy and possess any lands, tenements, hereditaments and personal property as may be necessary to effect the object of this association, and may sell and convey the same at pleasure, and may make, establish and put in execution such by-laws, ordinances and regulations, not being contrary to the laws of this State or of the United States, as may be necessary and convenient for the regulation of the said company and the government and management of its affairs, and to execute all such acts and things as may be necessary to carry into effect the provisions of this

Corporate powers.

act, and may adopt a common seal, which they may break or alter at pleasure.

**Corporate existence.**  
**Place of business.** SEC. 2. That the said corporation shall last for the period of sixty years. That the principal place of business of the said company shall be at Washington, North Carolina, and may be removed to any other place in the State whenever the directors may desire it necessary or convenient to promote the business of the company.

**Government.** SEC. 3. That the affairs of the company shall be governed and managed by a board of directors to consist of not less than three nor more than fifteen members, as may be regulated by the by-laws of the company, and the president and two directors may constitute a quorum for the transaction of business, unless the by-laws prescribe a greater number.

**Quorum.**  
**Board of directors.** SEC. 4. That the persons named in the first section of this act are hereby constituted a board of directors to serve as such until others are chosen. That the board of directors shall elect such officers as they may see proper, who shall hold their respective offices for one year and until other officers are chosen and qualified in their places.

**Officers.**  
**Term of office.**  
**Stockholders not liable.** SEC. 5. That the stockholders of the said corporation shall not be liable for any contract, debt, loss or damage or responsibility in either person or property, other than the property they have in the capital stock of the said corporation to the amount of shares held respectively by them or any profit therefrom not divided.

**Business proposed.** SEC. 6. That this company may transact a life, accident and industrial insurance business, and it is hereby vested with all powers that any life, accident or industrial insurance company has or may have to transact business in this State, and they may charge and receive such premiums as may be agreed upon by their company and the parties insured, and the payment of such premiums may be made in cash or by note, as may be decided upon by the board of directors.

**Mutual or joint stock company.** SEC. 7. That this company shall have authority to transact business as a mutual or joint stock insurance company or may combine the two, as the stockholders or members may decide.

**Mutual company to commence business, when.** SEC. 8. If the company shall transact business as a mutual company only they shall be authorized to commence business as soon as two hundred or more persons shall have applied in writing to become policy-holders and have made application for at least two hundred thousand dollars insurance.

**Stock company to commence, when.** SEC. 9. If the company should transact business as a stock company it shall be authorized to commence as soon as \$20,000 shall have been subscribed to the stock and fifty per cent. thereof paid in.

**Stock and mutual company to commence, when.** SEC. 10. If the company shall decide to transact business as a stock and mutual company, it shall be authorized to commence business when the provisions of both the preceding sections shall have been complied with.

SEC. 11. That the policy-holders of said corporation who may



hold policies which participate in the profits of the company may be held liable in the event the funds of the company may not be sufficient to meet any losses or an amount equal to five times the sum of one annual premium on their respective policies.

Liability of  
policy-holders.

SEC. 12. That nothing herein contained shall be so construed as to prevent the company receiving any of the benefits or from complying with any general insurance law that may hereafter be enacted. The said company shall file a copy of its by-laws with the Insurance Commissioner, and they shall be approved of by him, and the said company shall be subject to the Insurance Department and the regulations made for insurance companies and the payment of taxes upon domestic insurance companies.

By-laws filed with  
insurance commis-  
sioner

General insurance  
laws applicable.

SEC. 13. That the board of directors may invest and employ the funds of the company in such way and manner as they may judge that the interest and welfare of the company may require, subject to the provisions of the general law governing the investments of insurance companies and may set apart such part of the premiums received from policies as they may deem necessary, as a guarantee fund, until the said guarantee fund shall amount to such sum as in the judgment of the board of directors will guarantee the payment of the policies issued by the company.

Investment of  
funds.

SEC. 14. That in the event this company should transact business as a mutual company only each policy-holder shall have one vote in all meetings of policy-holders, and may authorize any other policy-holder to act as his proxy. In the event the company transact business solely as a joint stock company, or should it transact business as a mutual and stock company, the affairs of the company shall be managed by the subscribers to the capital stock only under the usual rules applicable to joint stock companies and subject to such by-laws as may be adopted.

Business of  
company, how  
managed.

SEC. 15. That the incorporators herein named or a majority of them, may open the books of subscription to the capital stock at such time and places as they may elect. That the capital stock of the said company may by a majority vote of the stock at any time, or from time to time, be increased to a sum not exceeding one hundred thousand dollars. That the said company may transact business in any State of the United States, or in any foreign country, and may establish branch agencies or offices at such places as it may deem best for the company, whether the said branch agencies or offices be in the State of North Carolina or not.

Books of subscrip-  
tion opened

Power to increase.

Branch agencies.

SEC. 16. That the said company shall have power to represent as agent or attorney any life, fire, marine, accident, surety or trust company or any corporation or individual authorized to do business under the laws of North Carolina.

Power to act as  
agent.

SEC. 17. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 26th day of February, 1901.

CHAPTER 160.

AN ACT TO VALIDATE THE MARRIAGE OF JOHN HOWARD  
AND CORA SPELLER, COLORED, OF BERTIE COUNTY.

**Preamble.** WHEREAS, under a license duly issued by the Register of Deeds of Bertie county, E. W. Waters, late a justice of the peace of Bertie county, whose term of office had expired, under the mistaken belief that his office then existed, on the 25th day of December, 1900, performed a marriage ceremony between John Howard and Cora Speller, colored, of Bertie county, who since that date have lived together as man and wife, and are so living as man and wife; therefore,

*The General Assembly of North Carolina do enact:*

**Marriage validated.** SECTION 1. That the marriage of John Howard and Cora Speller, colored, of Bertie county, celebrated on the 25th day of December, 1900, by E. W. Waters, late a justice of the peace in Bertie county, under a license issued by the Register of Deeds of Bertie county, be and the same is hereby declared valid and binding.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

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CHAPTER 161.

AN ACT TO INCORPORATE THE "SOUTHERN MANUFACTURERS' MUTUAL INSURANCE COMPANY.

*The General Assembly of North Carolina do enact:*

**Corporators.** SECTION 1. That W. E. Holt, J. S. Spencer, D. W. Oates, D. A. Tompkins, W. T. Jordan, J. H. McAden, B. D. Heath, George B. Hiss, O. P. Heath, J. W. Cannon, George A. Gray, Caesar Cone, J. P. Leak, R. L. Steele, Philip S. Baker, W. C. Leak, R. S. Reinhardt and S. B. Farmer, and their associates, successors and assigns are hereby created and constituted a corporation by the name of the "Southern Manufacturers' Mutual Insurance Company," to exist for the term of sixty years, with all the usual rights, powers and privileges of a private corporation under the laws of this State.

**Corporate existence.**

**Corporate powers.** SEC. 2. That the said company shall be authorized to insure the property of manufacturers on the mutual plan, against loss or damage by fire or lightning; and to this end is clothed with all necessary rights and powers to carry on the business of mutual fire insurance.

SEC. 3. That the company shall be authorized to re-insure such portion of its risks as it may deem desirable that the company is

authorized to re-insure such portion of one or more of its risks in such companies as it shall receive license for from the Insurance Department by filing with the Department a certified copy of the charter of each company, a statement of its financial condition (or the blank of the Department), a certificate of its authority to do business at its home office, and paying the fees and licenses as required by law. Said license shall not authorize said companies to do business in this State except as re-insuring companies for this company, but all such contracts of re-insurance made with this company shall be valid and legal.

SEC. 4. That the company shall have the right to organize and carry on business when the sum of two hundred thousand dollars of insurance shall be applied for, by not less than twenty-five persons or corporations; and shall have a paid-up guaranty capital of not less than twenty-five thousand dollars, as provided in section 34, chapter 54, Public Laws 1899, and the first three corporators above-named shall call a meeting of their associates and the applicants for insurance in the city of Charlotte, the meeting to be held not less than ten days from the mailing of such notice.

SEC. 5. The net earnings of the company shall be distributed in dividends upon all policies as they mature; the directors, in their discretion, at any time, may retain as a reserve fund one-half of said net earnings in excess of twenty per cent. of the original premiums received upon the policies maturing at such time, until such reserve fund shall amount to two hundred thousand dollars.

SEC. 6. In case of loss the directors may assess the policy-holders for such sums as may be necessary to pay the same, including expenses; *Provided*, that no policy-holder shall be liable for more than five times the amount of the premiums paid by him.

SEC. 7. That the officers of the company shall be a board of directors of such number as may be fixed by the by-laws, who shall be elected annually; and a president, vice-president, secretary and treasurer, to be elected by the directors; the powers and duties of all officers to be fixed by the by-laws; the board of directors may delegate to an executive committee, to be by them elected out of their own number, such of their own powers as may be expedient for the prompt and efficient management of the business.

SEC. 8. That the head office of the company shall be in the city of Charlotte, with the power of corporation to remove the same to any other point within the State if it so elect.

SEC. 9. That this company shall be authorized to act as the agent or attorney in fact of any person, firm or corporation doing a lawful business.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 162.

AN ACT TO VALIDATE THE MARRIAGE OF JAMES H. PIERCE  
AND MARTHA E. SMITHWICK, OF BERTIE COUNTY.

Preamble.

WHEREAS, under a license duly issued by the register of deeds of Bertie county, E. W. Waters, late a justice of the peace of Bertie county, whose term of office had expired, under a mistaken belief that his office then existed, on the ninth day of January, 1901, performed a marriage ceremony between James H. Pierce and Martha E. Smithwick, of Bertie county, who since that date have lived together as man and wife, and are so living; therefore,

*The General Assembly of North Carolina do enact:*

Marriage validated.

SECTION 1. That the marriage of James H. Pierce and Martha E. Smithwick, of Bertie county, celebrated on the ninth day of January, 1901, by E. W. Waters, late a justice of the peace in Bertie county, under a license issued by the Register of Deeds, be and the same is hereby declared binding and valid.

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

In the General Assembly read three times, and ratified this the 26th day of February, A. D. 1901.

## CHAPTER 163.

AN ACT TO INCORPORATE THE MARION AND NORTHWEST-  
ERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Julian S. Carr, of Durham county; M. B. Wilkinson, of Buncombe county; Leo. D. Heartt, of Durham county; Benahan Cameron, of Durham county; Cyrus Borgner, of Philadelphia, Pennsylvania; J. S. Manning, of Durham county; E. J. Justice, of McDowell county; John R. Cochran, of Durham county, and W. F. Whitener, of Philadelphia, Pennsylvania, and their associates, successors and assigns be and they are hereby constituted and created a body politic and corporate under the name of the Marion and Northwestern Railway Company, and as such may sue and be sued, plead and be impleaded in the courts of the State, and shall have the powers herein granted. Said company shall have power and authority to make by-laws; to buy, hold, use, sell, mortgage or otherwise transfer all such real and personal estate as may be necessary to and will advance the interest of said company; to elect or appoint

Corporate powers.

all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change at pleasure, and to have and exercise all and every power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this State or the provisions of this act.

SEC. 2. That said company be and is hereby authorized and empowered to survey, lay out, construct and equip, build, maintain and operate, by steam or other water-power, a railroad for the transportation of passengers and freight, with one or more tracks, side-tracks, switches and turn-outs from some point on the Southern Railway or Western North Carolina Railroad at or near Marion, in the county of McDowell, in said State of North Carolina, north-westwardly, by such route or routes as the directors of said company may determine, through the counties of McDowell and Mitchell to some point on the Tennessee line; and the said company is further authorized to survey, lay out, construct, build, equip, maintain and operate such branch roads, tram-roads and spur-roads as may be determined by the board of directors of said company.

SEC. 3. That for the purpose of surveying, constructing, main- Eminent domain.  
taining and operating said lines of railroads said company is hereby empowered: First. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or water of any persons. Second. To take and hold such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance and operation of its roads. Third. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its roads or stations, and all other accommodations necessary to accomplish the objects of its corporation, and to lease or buy land necessary for its use. Fourth. To lay out its road, not exceeding two hundred feet in width, and to construct the same; and for the purpose of cutting any embankments and for obtaining gravel and other materials may take as much land as may be necessary for the proper construction, operation and security of the roads, or to cut down any trees that may be in danger of getting on the track or obstructing the right of way. Fifth. To construct its road across, along or upon any stream of water, water-courses, streets, highways, canal, etc., which the route of the road shall intersect or touch. Sixth. To cross, intersect or join or unite its road with another railroad heretofore or hereafter to be constructed at any point on its route or upon the ground of any other railroad company, with the necessary turn-outs, siding and switches or other conveniences necessary in the construction of its road, and may run over any part of any other railway's right of way necessary or proper to reach its freight depot in any city, town

- privilege, or to reach any other point of its right of way otherwise inaccessible, through or near which its road may run. Seventh. To take and convey persons or property over their road by use of steam or any mechanical power, and to receive compensation therefor and to do all things incident to railroad business. Eighth. To erect and maintain convenient buildings, warehouses, docks, stations, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of their passengers and freight business. Ninth. To regulate the time and manner in which passengers and freight shall be transported, and the compensation to be paid therefor, subject to any laws of this State upon the subject. Tenth. To borrow such sum or sums of money at such rates of interest not contrary to law and upon such terms as said company or its board of directors may agree upon and may deem necessary or expedient, and may execute one or more trust deeds or mortgages, or both, if occasion may require, on its roads, branches, or both, in process of construction by said company for the amount or amounts borrowed or owing by said company as its board of directors shall deem expedient. Said company may make deed or mortgage for transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine-houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with its road in any manner then belonging to said company or which shall thereafter belong to it as security for any bonds, debts or sums of money as may be secured by said trust deeds or mortgages as they shall think proper.
- Corporate powers.** SEC. 4. That the capital stock of said company shall be ten thousand dollars, and the same may be increased from time to time, as a majority of the stockholders may determine, up to three million dollars. The stock of said company shall be in shares of one hundred dollars each, for which, when fully paid for, certificates shall be issued, which shall be non-assessable, and each share shall entitle the holder to one vote, and the stockholders shall not be individually liable for the debts of the corporation. Books of subscription shall be opened by the corporators, or a majority of them, at such time or times, place or places, and under such rules and regulations as they, or a majority of them, may prescribe. Said corporators, or a majority of them acting in person or by proxy after the sum of five thousand dollars shall have been subscribed, shall call a meeting of the subscribers to the said capital stock for the purpose of completing the organization of the company, and at such meeting the said subscribers to the capital stock shall elect a board of directors, consisting of not less than three nor more than eleven members, who shall immediately elect one of their number president of the company.
- Capital stock.**
- Shares.**
- Individual liability.**  
**Books of subscription opened.**
- Organization.**
- Board of directors.**

SEC. 5. That the subscription to the capital stock of said com-

pany may be made in money, land or material or in bonds, stocks or other valuable credits in such manner and upon such terms as may be agreed upon by the president and directors of said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited as well as all previous payments thereof, to the benefit and use of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in writing in person or by depositing said notice in the post-office (post) paid, directed to him at the post-office nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is within named; said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.

SEC. 6. That said company is hereby authorized and empowered to survey and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property with those of any other railroad or steamboat company or companies chartered by and organized under the laws of this or any other State whenever a majority of the stockholders of the company hereby chartered shall so desire, when the two or more railroads so to be merged shall and may form a continuous line of railroad with each other or by means of intervening road or roads, and said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve.

SEC. 7. That it shall and may be lawful for any railroad or transportation company, created by the laws of this or any other State, from time to time, to subscribe for, purchase or hold the stock and bonds, or either, of the company incorporated by this act, or to guarantee or endorse such bonds or stock or either of them; and it shall and may be lawful for any railroad or transportation company or companies to purchase, use or lease the road, property or franchises of the said company hereby incorporated for such time and upon such terms as may be agreed upon.

SEC. 8. That the meeting of stockholders shall be held annually at such time and place, either in this or other State, as may be determined by them, and at all such annual meetings the president and directors shall render to the stockholders an account of the affairs of the company.

SEC. 9. That the president and board of directors of said company shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of its railroads. The directors shall be elected by the stockholders annually and shall remain in office one year and until their successors are elected and qualified,

subscriptions to capital stock may be made in money or other property.

Stock forfeited.

Notice.

Power to consolidate.

May subscribe to stock of other corporations.

Annual meetings.

Officers, agents and employees.

Directors, how elected.  
Term of office.

Vacancies.	and in case of vacancies occurring by death or resignation in the office of directors the same may be filled by the directors until the next meeting of the stockholders.
Power to contract debts.	SEC. 10. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of its railroad and business. And authority is hereby given to the said company to borrow to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest as may be deemed advisable, and to issue therefor such bonds, whether coupons or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income or franchise of the company, either (whole) or any part thereof.
Interest. Issue bonds.	SEC. 11. That said company shall enjoy all benefits and be subject to the provisions of section one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, both inclusive, and any acts amendatory thereof, of chapter forty-nine, volume one of The Code of North Carolina, in respects to the acquisition of property by condemnation.
Rights of eminent domain.	SEC. 12. That it shall and may be lawful for any county, township, city or town in or through which the said railroad may be located or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums in bonds or money as a majority of their qualified voters may authorize the county commissioners of such county or the municipal authorities of such town to subscribe, and for ascertaining the will of the qualified voters of any such county or township the Board of County Commissioners are authorized and directed, upon a petition signed by one hundred freeholders of such county or township requesting the said Board of Commissioners to submit a proposition of subscription by said county or township to capital stock of said company and issuing of the bonds of said county or township in payment therefor, to order an election at the established polling places in said county or township upon said proposition, under the rules prescribed by law for the holding of general elections in said State; and upon the returns of said elections made by the poll-holders appointed for such purpose, it shall be the duty of said board to canvass said returns, declare and publish the result of said election, and the chairman of said Board of Commissioners, if a majority of the qualified voters shall have approved said subscription, to make the subscription to the capital stock of said company and have prepared and executed the coupon bonds of the county or township in payment therefor, and the said bonds shall not be delivered to the president or other officer appointed to receive them by said company until the said
Counties, townships, cities and towns may subscribe to capital stock.	
County commissioners to submit question to voters.	
Board to canvass, declare and publish result.	
Bonds to be issued but not delivered until completion of work.	



road shall have been completed in said county or township according to the route designated by said company. In the case of city or town subscription the power and duties conferred upon the Board of County Commissioners and their chairman shall be exercised by the governing municipal authorities and the Mayor or other chief officer of said city or town, and the bonds issued shall, in the event of approval, be the bonds of said city or town.

Convention of stockholders; subscribers to capital stock represented.

SEC. 13. That in all conventions of stockholders of said company, such counties, townships or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such town or the County Commissioners of the respective counties or townships in such counties.

May subscribe to or hold stock and bonds of other corporations.

SEC. 14. That it shall be lawful for said railroad company from time to time to subscribe for, purchase or hold the stock and bonds of any other company incorporated under the laws of this State, or to guarantee or endorse such bonds or stock or either of them, and to lease, use or purchase the road, property or franchises of any such company for such time and upon such terms as may be agreed upon.

Effect of consolidation with other corporations.

SEC. 15. In the event of the consolidation of said corporation with any other corporation or corporations the said corporation so formed by said consolidation shall be a corporation of this State and amenable to the courts of this State.

SEC. 16. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this 26th day of February, A. D. 1901.

#### CHAPTER 164.

### AN ACT TO INCORPORATE THE CHARLOTTE, MONROE AND COLUMBIA RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Charles E. Johnson, William Moneure and J. M. Turner, their associates, successors and assigns are hereby created a body politic and corporate with perpetual succession under the name and style of "The Charlotte, Monroe and Columbia Railroad Company," and under that name may sue and be sued in any court in the State of North Carolina; may have and use a common seal; may acquire by purchase, gift, devise, lease or otherwise any real, personal or mixed estate, and lease or sell the same as the interest of the company may require; may acquire, own, operate or lease any quarries, mines, forest, lumber-yards or furnaces; may build branch roads from any point of its main line; may change the name of said company by a vote of a majority of the stockholders at a regular or special meeting; and may make all such by-laws for the

Corporators.

Corporate powers.

government of said company as may be deemed proper and are not inconsistent with law.

**Capital stock.** SEC. 2. That the capital stock of said company shall be one hundred thousand dollars with the power to increase the same to any sum not exceeding one million dollars; said stock may be issued in preferred or common stock, or both, in shares of one hundred dollars each. The capital stock may be subscribed and paid for in money, lands, mines, mineral properties, materials, bonds, timber, labor or otherwise, as may be agreed upon between the president and directors of said company and the subscriber.

**Books of subscription opened.** SEC. 3. That books of subscription to the capital stock of said company shall be opened by the incorporators or any of them acting in person or by proxy at such times and places and under such rules and regulations as they may prescribe; that as soon as ten thousand

**Commence operation, when.** dollars has been subscribed for *bona fide* to the capital stock, the said company shall be authorized to commence operations and exercise all the rights, powers, privileges and franchises granted by this act, and said incorporators, acting in person or by proxy shall be authorized to call a meeting of stockholders for the purpose of organization at such place as they may deem advisable, giving ten days' notice thereof in some newspaper published in Charlotte; that at such meeting and at each annual meeting thereafter a board of not

**Organization. Notice.** less than five directors shall be elected by the stockholders; that said board of directors shall hold office for one year and until their successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other office.

**Board of directors.** less than five directors shall be elected by the stockholders; that said board of directors shall hold office for one year and until their successors are elected, and shall appoint a president, vice-president and such other officers, agents and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other office.

**Term of office.** and such other officers, agents and employees as they may deem proper, and fix their duties, and may fill any vacancy occurring in the office of director, president, vice-president or other office.

**Officers, agents and employees. Vacancies.**

SEC. 4. That after the organization of said company the president and board of directors may from time to time open books of subscription to the capital stock of said company at such times and places and under such rules and regulations as they may prescribe. No stockholder shall be responsible for any amount greater than his unpaid subscription.

**Individual liability.**

SEC. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight and passengers, from some point in Union county on the line between North Carolina and South Carolina to or near the town of Monroe, and thence to some point on the line between North Carolina and Virginia, as shall be determined by said board of directors; and to build branch roads not exceeding twenty-five miles length. Said company is authorized and empowered to begin work on any part of its line, and upon the completion of any portion or section thereof, to maintain and operate the same with all the rights and powers conferred in this act.

**Corporate powers.** SEC. 6. The said company may build its said railroad and branch

roads by such routes as may be deemed most advantageous and expedient, and it shall have all the powers and privileges granted in volume I, chapter 49 of The Code.

SEC. 7. That said company shall have the right to cross at grade, or over or under, intersect, join or unite its railroad with any railroad now built or constructed or which may be hereafter built or constructed within the State of North Carolina, at any point of its main line or branches, with the necessary turn-outs, sidings, switches and other conveniences.

Chapter 49 of Code applicable.

Rights relative to lines of other railroads.

SEC. 8. That when any right of way may be required by the company for the purpose of constructing its railroad and branches and for want of agreement for any cause it cannot be purchased from the owner the same may be condemned as provided in chapter forty-nine of The Code of North Carolina to the extent of fifty feet on each side of the track of the railroad, measuring from the centre of the same. And the company shall have power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding two acres in any one lot or place.

Rights of eminent domain.

SEC. 9. That this corporation shall have power to lease or sell any railroad that may be constructed by it, with its franchises, to any other railroad company directly or indirectly connected with it in North Carolina, and any other such railroad company shall have the power to lease or buy from this corporation any such railroad that may be constructed by it with its franchises.

Power to lease or sell to other railroads.

SEC. 10. That this company shall have the right to borrow money when so authorized by its board of directors in general or special meeting assembled, and to issue bonds or other evidences of indebtedness and to secure the same by mortgage or deed of trust of its property, franchises and effects or otherwise.

Power to borrow money and issue bonds.

SEC. 11. That said company is hereby authorized and empowered to consolidate or merge its capital stock, estate, real, personal and mixed, franchises, privileges and property with those of any railroad company or companies chartered by and organized under the laws of this or any other State whenever a majority of the stockholders of this company shall so desire; and the said consolidation or merger may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve, and such other company or companies are hereby authorized to consolidate or merge with this company upon the same terms and conditions; and such consolidated or merged company shall have the rights, powers, privileges and franchises for its entire length which each of the companies so consolidated or merged may have had prior to such consolidation.

Power to consolidate or merge with other railroad companies.

SEC. 12. That the said company may begin work on any part of its line, and upon the construction of any part or portion thereof

Rights and privileges as to construction.

may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company; that it may under such purchase, lease, agreement or running arrangement as it can make with any other railroad company operate any road as a link between different portions of its own line.

Board of commissioners to submit question of subscription to capital stock to voters.

SEC. 13. That upon presentation in writing, signed by thirty freeholders, to the Board of Commissioners of any county through which said railroad may be located, requesting said Commissioners to submit to the qualified voters of the county or township where said petitioners may reside a proposition to subscribe a definite sum named in said petition to the capital stock of said railroad company, the Board of Commissioners shall order an election to be held within thirty days at the various polling places of said county or township, and submit to the qualified voters thereof the question of subscribing to the capital stock of said railroad company the amount specified in said petition, at which election those in favor of said subscription shall vote "For Subscription," and those opposed thereto shall vote "Against Subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for election of members of the General Assembly by the general election laws of the State of North Carolina.

Form of ballots.

Townships subscribing to capital stock vested with powers as bodies corporate.

SEC. 14. That for the purposes of this act all the townships along the line of railroad or which are interested in its construction are hereby declared to be bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act. The County Commissioners of the respective counties in which are situate the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties respectively.

Bonds issued in exchange for stock

SEC. 15. That to provide for the payment of said subscriptions the Board of Commissioners of any county voting said subscriptions, or wherein is located any township voting said subscriptions, shall issue to said railroad in exchange for an equal amount of stock therein, coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for twenty-five years and bear interest at the rate of not more than six per centum per annum, payable semi-annually at some suitable depository designated by the Board of Commissioners issuing said bonds.

Denomination.

Maturity.

Interest.

Board of commissioners to levy tax to pay interest on bonds and create sinking fund.

SEC. 16. That the county authorities legally empowered to levy taxes in any county voting for said subscription, or in which there is a township voting for subscription, for the payment of which bonds have been issued as provided for in this act, shall in addition

to the other taxes levied in such county or township in whose behalf said bonds were issued, annually compute and levy at the time of levying other taxes, a sufficient tax upon the property and polls of said county and township to regularly and promptly pay the interest on the bonds of said county and township issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax upon the property and polls of said county and township equal at least to one twenty-fifth of the aggregate amount of said bonds for a sinking fund, to provide for the retiring of said bonds at maturity; and the taxes levied as above shall be annually collected as other taxes are collected and paid over by the sheriff or other authorized collecting officer to the County Treasurer or such other officer as the County Commissioners issuing said bonds may designate: which officer shall give a good and sufficient bonds for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept separate and distinct from each other, and from all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds to pay the principal for which it was levied and collected, if possible, but if it is impossible to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created the same shall be invested as may be directed by the Board or Commissioners issuing said bonds, and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay off the principal of said bonds.

Taxes collected by sheriff as other taxes.

Separate account.

Investment of sinking fund.

SEC. 17. That the powers and privileges granted in this act shall not be deemed forfeited by non-user: *Provided*, the said corporation is organized within five years from the date of the ratification of this act.

Powers and privileges not forfeited provided organization effected within five years.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

#### CHAPTER 165.

#### AN ACT TO INCORPORATE THE TOWN OF PARKTON, IN THE COUNTY OF ROBESON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Parkton, in the county of Robeson, be and the same is hereby incorporated under the name of Parkton and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and acquire, hold and sell

Corporate powers.

real and personal property for the use of said town, as its Board of Commissioners herein provided for may deem necessary and expedient.

**Officers.**

Elected, when.

SEC. 2. The officers of said town shall be Mayor and a Board of five Commissioners, who shall be elected on the first Monday in May of each year by the voters of said town qualified to vote for members of the General Assembly at an election to be held under and by such rules as govern elections for towns and cities as prescribed by chapter sixty-two of The Code of North Carolina and amendments thereto, which said chapter and amendments shall in all respects apply to Parkton and all of its officials, except when inconsistent with the provisions of this act.

Chapter 62 of Code applicable.

Mayor and board of commissioners.

SEC. 3. Until the first Monday in May, A. D. 1901, Neill McNeill shall fill the office of Mayor, and R. N. Cashwell, H. C. McMillan, J. G. Huger, J. D. Gillis and William Benson shall constitute the Board of Commissioners of said town, and shall immediately enter upon the discharge of their duties after taking an oath faithfully to perform their duties as such officers before any justice of the peace or other qualified officer of Robeson county; and they shall continue in office until their successors are elected and qualified.

Oath.

Board of commissioners to elect marshal, clerk, treasurer and tax-collector.

Term of office.

SEC. 4. Said Board of Commissioners may elect a Marshal and such assistant police officers as they deem necessary and proper, and also a Clerk, Treasurer and Tax-collector, who shall be citizens of said town and shall hold their offices during the term of the board electing them, unless removed by said board for cause, the compensation of whom shall be fixed by said board, but the Tax-collector shall receive as compensation the same commissions as are allowed to sheriff of said county for the collection of taxes, and shall be vested with the same powers relative to the collection of taxes for said town as are vested in sheriff of Robeson county.

Compensation.

Assessment and collection of annual taxes.

Maximum rate.

SEC. 5. The Board of Commissioners shall have authority to assess and collect annual taxes for municipal purposes on all property and polls in the corporate limits of Parkton at a rate not to exceed seventy-five cents on one hundred dollars worth of property and two dollars and twenty-five cents on each poll: *Provided*, that the constitutional equation in the levying of such taxes shall always be maintained.

Corporate limits.

SEC. 6. The corporate limits of Parkton shall be as follows: Beginning at a point twelve hundred feet at right angles from the centre of the Atlantic Coast Line railroad opposite the centre of the depot at Parkton on the east side of said railroad and running thence fifteen hundred feet parallel with said railroad; thence at right angles across said railroad twenty-four hundred feet; thence parallel with said railroad and the first call reversed three thousand feet; thence across said railroad at right angles twenty-four hundred feet; thence fifteen hundred feet to the beginning, so as to make the limits of said town twenty-four hundred by three thousand feet.

SEC. 7. The Board of Commissioners may pass all ordinances which they deem necessary to the welfare, health and governance of the town, not inconsistent with the Constitution and laws of North Carolina and of the United States. Said ordinances shall be posted at the post-office and two other public places of the town, and except in cases of great emergency shall not go into effect until three days after they have been posted. All ordinances shall be numbered and recorded in the minutes of the board.

Ordinances, their passage and publication.

To be numbered and recorded.

SEC. 8. Said board shall prescribe what bonds shall be given by the Marshal, Clerk and Treasurer; *Provided*, that one person may be both Clerk and Treasurer. The Tax-collector shall give bond in double the value of the tax books to be placed in his hands for collection. Such bonds shall be payable to the State of North Carolina, shall provide for the faithful performance of the duties of the office, and shall be liable to the suit of any person, firm or corporation aggrieved by a breach of their terms. Said board shall be the sole judge of the sufficiency of such bonds, and such bonds shall not be void for want of form. Said board in its discretion may consolidate the office of Marshal and Tax-collector, but separate bonds shall be given for each office. No official of said town shall enter upon the discharge of the duties of his office until he shall have first duly sworn to support the Constitution of North Carolina and of the United States, and to faithfully discharge the duties of his office.

Bonds of officers.

Consolidation of offices of marshal and tax-collector.

SEC. 9. The Mayor shall have power to commit any offender who is sentenced to imprisonment by him for any misdemeanor or violation of a town ordinance or for contempt of the Mayor's court, or for failure to pay fines and costs, to the guard-house which the board may provide for, or to the common jail of the county of Robeson, and the sheriff or jailer shall receive such person and shall charge the same fees as in case of other prisoners. The Mayor shall have power to compel any person adjudged guilty by him of a violation of a town ordinance or of a failure to pay costs incurred in his court to work on the streets of the town for a period not exceeding thirty days in lieu of commitment to the guard-house or jail, and the Marshal is authorized to use a ball and chain when necessary upon any person sentenced to work upon the streets; *Provided*, that no female shall be sentenced to work on the streets.

Power of mayor to commit to jail or guard-house.

Duties and fees of sheriff or jailer.

Power of mayor to work person convicted on streets.

SEC. 9½. That it shall be unlawful for any person or company to manufacture any spirituous or malt liquors or to sell or in any manner, directly or indirectly, to receive any compensation for any spirituous or malt liquors, wines or cider, or any other intoxicating liquors within the corporate limits of said town of Parkton. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished upon conviction thereof by a fine not exceeding one hundred dollars or by imprisonment not exceeding twelve months, or both.

Exception as to females. Misdemeanor to manufacture or sell intoxicating liquors

Penalty.

- Unlawful to manufacture or sell intoxicating liquors in three miles of corporate limits. Powers of board. SEC. 10. It shall be unlawful for any person, firm or corporation to manufacture or sell any vinous, spirituous or malt liquors within three miles of the corporate limits of Parkton.
- Mayor *pro tem*. SEC. 11. A majority of the Board of Commissioners shall constitute a quorum for the transaction of all business. In the absence of the Mayor or during his inability to act the board shall select one of their number who shall be Mayor *pro tempore*, and be vested with all of the powers and authority of the Mayor, after taking the necessary oaths. The Board of Commissioners shall have power to fill any vacancy in the office of Mayor or Commissioner.
- Vacancies, how filled. Power to condemn land for street purposes. Procedure. SEC. 12. Said Board of Commissioners shall have power to condemn lands for streets and town purposes; the value of such lands to be appraised by three freeholders of Robeson county, qualified to act as jurors and not connected by blood or marriage with the land owner and not officially connected with the town; one of said appraisers to be appointed by said board, one by the land owner or his agent, and the third to be selected by the two so appointed. Said appraisers shall be duly sworn to do justice between the town and the land owner, and shall file their report in writing with the Mayor within one week after their appraisal of the property. Said report shall be signed by not less than two of the appraisers, and shall lie in the Mayor's office for ten days, subject to the inspection of the land owner or his agent, and, unless an appeal is taken, and such appeal shall lie to the Superior Court of Robeson county in term time, during said period of ten days, by the town or the party in interest, the said land so appraised shall stand condemned for the use of the town, and the price fixed by the appraisers shall be paid from the funds of the town, together with one dollar per day for each of the appraisers. In case of an appeal the case shall stand for trial in the Superior Court at the next term as upon an appeal from a justice of the peace. All proceedings to condemn land shall be recorded in full in the minutes of the board, and the report of the appraisers, unless appealed from, shall be recorded in the office of the Register of Deeds for Robeson county, after having been duly probated by the Clerk of the Superior Court of said county.
- Appeal. SEC. 13. This act shall be in full force and effect from and after its ratification.
- Compensation of appraisers. In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.
- On appeal, when case stands for trial. Proceedings to be recorded.



## CHAPTER 166.

AN ACT TO INCORPORATE THE TOWN OF CHOCKEYOTTE,  
IN HALIFAX COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Chockeyotte, in the county of Halifax, is hereby incorporated by the name and style of Chockeyotte. Corporate name

SEC. 2. That the corporate limits of said town shall be as follows: Corporate limits.  
Beginning on Chockeyotte creek where it crosses the Raleigh and Gaston Railroad; thence down said creek to where it is crossed by the Roanoke Navigation and Water Power Company's canal; thence up said canal 330 yards to a stone at the intersection of Ponton avenue and the county road; thence along said avenue to where it crosses the Raleigh and Gaston Railroad; thence along said railroad to the beginning.

SEC. 3. That the officers of said town shall consist of a Mayor Officers. and three Commissioners and a Constable, the latter to be chosen by the Commissioners.

SEC. 4. The first election for Mayor and Commissioners shall be held the first Monday in May, 1901, under the same rules and regulations as are provided by the general laws for town elections. Election, when held.

SEC. 5. Said Commissioners shall have power to pass by-laws, rules and regulations for the government of said town not inconsistent with the laws of this State, and to enforce the same by fines and penalties, and to levy and collect taxes as provided in the laws of the State applicable to cities and towns. Powers of commissioners.

SEC. 6. That the Clerk of the Superior Court of Halifax county shall appoint a Mayor and Commissioners of said town to hold office until the first election herein provided for is held. Clerk superior court Halifax county to appoint first officers

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1901.

## CHAPTER 167.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN  
OF SELMA.*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory in Johnston county now embraced within the boundaries of white school district number three, embracing the town of Selma, be and is hereby constituted the Selma Graded School District, and that N. E. Edgerton, M. C. Winston and R. J. Noble be and they are hereby appointed and constituted a board of White school district No. 3, constituted Selma graded school district. Members of board of trustees.

Rights, powers and privileges.	trustees for the free public schools of both races in said district. They are hereby vested with all the rights, powers, privileges and duties of public school committeemen in and for such district under the general public school law of North Carolina and all such general public school laws as may hereafter be enacted. They shall hold office respectively as follows: N. E. Edgerton for one year from and after the first day of April, 1901; M. C. Winston for two years from and after said date, and R. J. Noble three years from and after said date. At the expiration of each such term the office shall be filled by an election by the two members whose term shall not expire; and if any vacancy shall occur prior to the expiration of a term of office the vacancy shall be filled as soon as practicable by the remaining members of the said board.
Terms of office.	
Election of successors. Vacancy, how filled.	
Powers and duties of trustees.	SEC. 2. The said board of trustees shall have full power and authority over the schools for both races in said district, and as soon as practicable they shall establish a graded free school for the white race and a graded free school for the colored race. They shall have charge of the expenditure of all the public moneys available for school purposes in said district, and the following moneys shall be placed at their disposal: First. All moneys which by law they shall be entitled to receive from the commissioners of the dispensary at Selma. Second. All moneys apportioned to the said school district from the county school fund. Third. All moneys raised by a special tax in said district for school purposes. Fourth. All moneys which may be appropriated to said purposes by the town of Selma. Fifth. All moneys donated to said school or received in any way whatsoever. That the moneys shall be so appropriated as to provide the same length of school term for the white and colored schools.
What moneys shall be placed at their disposal.	
Term for white and colored schools to be same length. Admission of non-resident pupils.	SEC. 3. That the board of trustees of said district may admit as pupils in any school in said district pupils who reside outside of the district upon the payment of such sums as may be fixed upon by said board of trustees, and the board of trustees shall fix the scale of prices for subjects other than those required to be taught under the general school law of the State.
Price for teaching branches not required under school law. Election of superintendent.	SEC. 4. That the said board of trustees shall annually, upon such a day as may be agreed upon by a majority of said board, elect a superintendent of schools of said district. The superintendent shall examine the applicants for teachers' positions in said schools; he shall issue a certificate to those who shall have satisfactorily passed said examination, and this certificate alone shall make the holder thereof eligible to teach in the public schools of said district. He shall do and perform such other duties as may be prescribed for him by a board of trustees, and shall teach such branches in the school for whites as the board of trustees may direct. The superintendent shall not be required to pass any examination, but his contract with the board of trustees shall be sufficient to entitle him to receive the pay for his services.
Duties of superintendent.	
Superintendent not required to pass examination. Contract entitles to pay.	

SEC. 5. That upon a petition signed by seventy-five of the qualified voters of said district the Board of Commissioners of Johnston county shall order a special election to be held in said district to ascertain the will of the people as to whether or not there shall be levied in said district a special annual tax of not more than thirty cents on the hundred dollars valuation of property, and ninety cents on the poll to supplement the public school fund in said district. The election shall be held on such day as the County Commissioners shall designate after giving thirty days' notice of such elections and had an advertisement published in the *Smithfield Herald*. At the time of ordering said election the said Commissioners shall order a registration of the voters of said district and shall appoint a registrar who shall register all legally qualified voters who shall apply for registration and take [the] oath now required for the registration of voters in elections for members of the General Assembly. The registrar shall keep the books open for registration for twenty days immediately preceding the day of election, which twenty days shall be exclusive of Sundays, and he shall give notice at four public places in his district of the place at which said book shall be kept open. The registration book shall close at sunset on the day preceding the election and no registration upon election day shall be permitted except where the party applying for registration shall have become legally qualified to register upon that day. There shall be appointed by the County Commissioners two judges of election and one registrar, and the registrar and the judges of election shall take the oaths prescribed for registrars and judges of election by chapter 507 of the Public Laws of 1899, and except where otherwise provided in this act the election shall be held in accordance with the provision of chapter 514 of the Public Laws of 1899. At said election those who favor the levy of said tax shall vote a ticket written or printed, or partly written and partly printed, with the words "For Special Tax," and the ones who are opposed to said tax shall vote a ticket written or printed or partly written and partly printed, with the word "Against Special Tax," and the vote shall be counted by the election officers and returned to the Board of County Commissioners. The result of said election shall be certified to the Board of Commissioners of Johnston county and canvassed, judicially passed upon by said board, and the result recorded in the book of elections of Johnston county. If a majority of the qualified voters of said district vote in favor of the levying of the said special tax, then the Commissioners of Johnston county shall forthwith levy such tax as the trustees of the graded school district may recommend, not exceeding the amount hereinbefore set out, and the Board of County Commissioners may thereafter, year after year, levy such special tax in said district as the board of trustees may recommend, not exceeding the amounts aforesaid.

Election on question of special school tax.

Maximum amount.

Election, when held.

Notice.

Registration.

Registrar.

Registration books, when open.

Notice.

Close of registration.

Registration on election day. Judges of election and registrar. Oath.

Election, how held.

Form of ballots.

Count and return of votes.

Election certified and judicially passed upon. To be recorded. If favored by majority of qualified voters, commissioners to levy special tax.

Registration for special election to be conclusive as to number of qualified voters.  
Tax, by whom and how collected.

Bond.

Treasurer of Selma graded school district.  
Bond.

Suits on bond.

Commissioners may appoint treasurer.  
When appointed funds to be turned over.  
Bond.

Selma commissioners authorized to appropriate money to graded schools.

Vouchers, how signed and approved.

When so signed treasurer to pay.  
Proviso.

Proviso.

Conflicting laws repealed.

SEC. 6. The number of persons registered for the special election shall be conclusively held to be the number of qualified voters in said district.

SEC. 7. The tax levied in pursuance of said special election shall be collected by the sheriff of Johnston county in the same manner as county taxes are collected in said district, and his bond given for the collection of school taxes shall be liable for the proper collection and accounting for of these special taxes. The treasurer of Johnston county shall be *ex officio* treasurer of the Selma Graded School District, and all funds which shall be coming to said district shall be paid over to him, but he shall execute a bond for the proper accounting for of said money in a sum to be fixed by the trustees of said district, which sum shall not be less than \$2000, and which may be increased from time to time so as at all times to cover twice the amount of all moneys coming into said treasurer's hands during any one year. The said bonds shall be payable to the State of North Carolina, and all suits brought on said bonds shall be in the name of the State of North Carolina upon the relation of the Board of trustees of the Selma Graded School District. The Commissioners of Johnston county may at any time appoint a treasurer for the said graded school district, and upon such appointment all funds shall be turned over to him, and he shall execute bond as is hereinbefore set out.

SEC. 8. The Commissioners of the town of Selma are hereby authorized to make such appropriations from the moneys of the said town of Selma for the support of the graded schools provided for in this act as the Board of Town Commissioners by a majority vote shall think advisable.

SEC. 9. All vouchers for services as superintendent or teachers in the schools of said district or for any supplies or repairs necessary for the proper maintenance of the said schools shall be signed by not less than two members of the board of trustees and approved by the superintendent of schools, and when thus signed shall be paid by the treasurer, upon whom they are drawn: *Provided*, he has on hand to the credit of the district an amount sufficient therefor; and *Provided further*, that such vouchers as are made payable to the superintendent need not be approved by him.

SEC. 10. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. And this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 168.

AN ACT TO AUTHORIZE THE SEABOARD AIR LINE RAILWAY, SUCCESSOR TO THE RICHMOND, PETERSBURG AND CAROLINA RAILROAD COMPANY, TO POSSESS AND EXERCISE THE POWERS CONFERRED UPON THE LATTER ROAD, AND TO AUTHORIZE LEASES, PURCHASES, SALES OR CONSOLIDATIONS BETWEEN IT AND OTHER RAILROAD OR TRANSPORTATION COMPANIES.

WHEREAS, the Richmond, Petersburg and North Carolina Railroad Company, a corporation existing under the laws of Virginia and North Carolina, has received by the act of the General Assembly of North Carolina known as chapter 34 of the Public Laws of 1899, and by the act of the General Assembly of Virginia known as chapter 19, approved January 12th, 1900, certain powers and the corporate name thereof has been duly changed into Seaboard Air Line Railway, and it is desirable that the said corporation should have equal powers in the States of Virginia and North Carolina: therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Seaboard Air Line Railway, successor to the Richmond, Petersburg and Carolina Railway Company, shall have and exercise in the State of North Carolina the corporate powers vested in the Richmond, Petersburg and Carolina Railroad Company under its charter and the amendments thereof heretofore enacted by the laws of this State, and especially the powers conferred upon it by act of the General Assembly of North Carolina, ratified January 31st, 1899, being chapter 34 of the Public Laws of 1899; and it shall have and from time to time as occasion arises may exercise the following powers or any of them, namely: (a) With the approval of two-thirds in amount of its stockholders given at any annual meeting or a meeting specially called for that purpose, or a meeting at which all the shares of capital stock are represented in person or by proxy, it may from time to time lease, use, operate, consolidate with or purchase or otherwise acquire, or be leased, used, operated by or consolidated with the Seaboard and Roanoke Railroad Company, and any railroad or transportation company now or hereafter incorporated by the laws of the United States or any of the States thereof, whether such company be formed by the consolidation of other companies or not; and from time to time it may consolidate its capital stock, property and franchises, by change of name or otherwise, with the capital stock, property and franchises of any other such railroad or transportation company upon such terms as may be agreed upon by the respective companies, power being hereby granted to any railroad or transportation company or com-

Powers heretofore vested in Richmond, Petersburg and Carolina Railroad Company, conferred on Seaboard Air Line Railway. Power of consolidation and other powers vested in Seaboard Air Line Railway Company.

panies now or hereafter incorporated by or under any act or acts of the General Assembly of the State of North Carolina, with the approval of a majority in amount of its shareholders, respectively, given at a meeting specially called for such purpose or at which all the shares of capital stock are represented in person or by proxy, to make and carry out such contracts of consolidation or lease, sale or other method of acquisition or disposition; such articles of consolidation shall state the terms and conditions which may be agreed upon by the stockholders of such companies uniting therein. Such consolidated corporation shall be vested with all the rights, privileges and franchises of the constituent companies, and it or its successor shall have the right from time to time to consolidate with other railroad or transportation companies mentioned in this act, which railroad and transportation companies are authorized to consolidate therewith in the manner provided for herein: *Provided*, that in all consolidations a copy of the agreement therefor shall be filed in the office of the Secretary of State, a certified copy whereof shall be evidence of such consolidation, and that any corporation with which the said Seaboard Air Line Railway may be consolidated or which it may lease shall be and remain subject to the jurisdiction of the courts of this State, and the lines of railroad operated by it in the State of North Carolina shall be subject to the general laws of the State; and *Provided further*, that any stockholder who dissents from any such consolidation or sale may, within sixty days thereafter, apply by petition to the Superior Court of Warren county or any county in this State of which dissenting stockholder was a resident at the time of the ratification of this act, to determine the value of his stock, and shall be entitled to receive from said consolidated or purchasing corporation the value as thus determined of such stock upon transfer thereof to the new corporation; such value shall be assessed by a jury trial if the same be requested by either party, and if the owner of said stock shall be a non-resident of this State the application by such owner to the United States Court having jurisdiction in the premises shall be equivalent to the application in the said Superior Court. (b) It may from time to time purchase, own or hold bonds or other evidence of debt and shares of the capital stock of any railroad company or companies formed under the laws of this or any other State, or of the United States; and from time to time may endorse, guarantee or assume the bonds, evidence of indebtedness or capital stock of any such railroad company. (c) It may from time to time acquire or guarantee the stock and bonds or either by any inland, coast or transportation company or companies; and it may develop or aid in the development of its business by acquiring or guaranteeing the stocks and bonds or either, of hotel, lighterage, wharf, warehouse, dry-dock, elevating and other companies whose enterprises facilitate transportation or are necessary or con-

Copy of consolidation agreements to be filed in office of Secretary of State.

Proceedings when stockholder dissents from consolidation.

Power to purchase, etc., bonds, capital stock, etc., of other companies.

Power to guarantee stock or bonds in other companies.

venient in connection therewith or as a part thereof. (d) Said company or its successor may from time to time borrow money in such amounts as it may deem expedient, and issue bonds or other evidences of indebtedness therefor, and may secure the same by mortgage or deed of trust upon any or all of its property and franchises and may issue and sell the same at such prices and upon such terms as the board of directors may determine.

Power to borrow money and secure the same.

SEC. 2. That nothing herein contained shall be construed as in anywise impairing or changing any right of action which the State of North Carolina or any of its agents or any county in the State or any person or party whomsoever may now or hereafter have against said Seaboard Air Line Railway or its successor or successors formed under the terms of this act, or against any of the corporations or railroad companies which may be consolidated with it or acquired by it in any manner, but such right of action shall remain unchanged, and may be enforced against any such corporation or corporations and against the rights, property and franchises thereof in the same manner as it might before the passage of this act or any transfers in pursuance thereof; and said corporation or its successor or successors shall have no immunity from any lawful State, county or municipal taxation by reason of the former charter or charters thereof or any law heretofore passed exempting it from taxation.

Rights of State, or its agents, counties or individuals not impaired

No immunity from taxation.

SEC. 3. Nothing herein contained shall be so construed as to permit said company or its successors to consolidate with or to lease, purchase or acquire either the Southern Railway Company or any of its branches, or the Atlantic Coast Line Railway Company or any of its branches, nor any corporation which may succeed to the rights of either of said corporations.

Not permitted to acquire or consolidate with Southern or Atlantic Coast Line Railway Companies.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1901.

#### CHAPTER 169.

### AN ACT TO INCORPORATE THE PIEDMONT GUN AND ATHLETIC CLUB.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Frank R. Williams, Walter Murphy, James H. Horah, Nathaniel Drewry, J. Wesley Hammill, Andrew J. Overton and such other persons as they may associate with them and their successors and assigns are hereby created and constituted a body politic incorporated under the name and style of the Piedmont Gun

Corporators.

Corporate name.	and Athletic Club, and under that name and style may have a
Powers.	corporate seal, may sue and be sued, plead and be impleaded, contract and be contracted with and enjoy all the rights, privileges, powers and immunities accorded to corporations in the State of North Carolina.
Capital stock.	SEC. 2. That the capital stock of said corporation shall not be
Increase.	less than five thousand dollars and may be increased from time to time as said corporators may elect to a sum not exceeding twenty-five thousand dollars.
How organized.	SEC. 3. That this corporation shall be organized by any one of the resident corporators giving ten days' notice in writing to the
To meet in Salisbury.	other corporators to meet in the town of Salisbury, North Carolina,
Time limit.	in person or by proxy, within two years from the passage of this act,
Quorum.	and a majority of the corporators shall constitute a quorum for the transaction of business, election of officers and directors and the adoption of by-laws for the management of said corporation, and the
When to organize.	corporation may be organized when one thousand dollars of the capital stock shall have been subscribed and paid in.
Corporate powers.	SEC. 4. That the said corporation shall have power to purchase and hold in fee-simple under lease and otherwise acquire land in Rowan county, North Carolina, in or near the town of Salisbury, with the right to sell, mortgage, lease or otherwise dispose of the same; and further, the said corporation shall have the right to lease, buy and legally acquire the hunting privileges for game and quail on lands in said county of Rowan.
Corporate right as to kennels and field trials.	SEC. 5. That this corporation shall have the right to own, maintain and operate dog kennels and hold field trials for the purpose of training bird dogs.
Athletic park, etc.	SEC. 6. That this corporation shall have the right to inclose a park upon its premises owned, leased or rented, where match games of foot-ball, base-ball, track athletics, polo, lacrosse, scientific exhibitions, golf, cricket, lawn tennis, cycling, gun, rifle and pistol target shooting, clay pigeon shooting can take place.
Club-room for athletics.	SEC. 7. That this corporation shall have the right to erect upon its premises owned, leased or rented a club-room, where and in which members of the club can engage in athletic and gymnastic exercises, bowling, fencing, pool and billiards, tournament, roller skating, boxing, wrestling, sparring, amateur theatricals, basket-ball and other games and exhibitions of skill: <i>Provided</i> , that nothing in this and the preceding sections shall be construed to mean that gambling and games of chance shall be indulged in.
Gambling and games of chance not permitted.	SEC. 8. That this act shall be in force from its ratification and remain in force for the term of sixty years.
	In the General Assembly read three times, and ratified this 28th day of February, A. D. 1901.



## CHAPTER 170.

AN ACT TO PROVIDE FOR WATER-WORKS AND SEWERAGE  
FOR THE TOWN OF ELIZABETH CITY.*The General Assembly of North Carolina do enact:*

- SECTION 1. That the Board of Aldermen of the town of Elizabeth City, N. C. is hereby authorized and directed to submit to the qualified voters of the said town at the next election for Aldermen of said town on the second Monday of April, nineteen hundred and one, the question whether the said town of Elizabeth City shall issue the bonds of the said town in an amount not to exceed fifty thousand dollars, for the purpose of providing and maintaining a system of water-works and sewerage for the said town. The said election shall be held and conducted under the same rules and regulations and penalties now prescribed by law for the election of Aldermen of said town. And at said election each voter shall vote a printed or written ballot with the words "For Water-works and Sewerage" or "Against Water-works and Sewerage."
- Elizabeth City aldermen to submit to voters question of bond issue.  
Date of election.  
Amount of bonds.  
Purpose  
Election, how held.  
Form of ballots.
- SEC. 2. That the poll-holders and registrars of election shall, after the same is held, count the votes cast in their respective wards and make an abstract of the votes cast, and file the same with the Board of Aldermen of Elizabeth City at their first meeting after said election, which shall be held on the third Monday in April, nineteen hundred and one, at which time the said board shall examine the returns made to them as aforesaid and decide the result of the election.
- Count and abstract of votes.  
To be filed.  
Board of aldermen to examine returns and decide result.
- SEC. 3. If at the election as required by section one of this act it shall appear that a majority of the qualified voters of said town shall have voted in favor of the bonds and that a majority of the qualified votes in said town shall be cast "For Water-works and Sewerage," then the Board of Aldermen of the said town are hereby authorized and empowered to have said bonds prepared in denominations of not more than one thousand dollars nor less than five hundred dollars, to be fixed by them, and running for a period or periods of years not exceeding forty years, nor less than ten years, and at a rate of interest not exceeding five per cent., which said interest shall be represented by coupons attached to said bonds and payable semi-annually, and payable at such place or places as said board may designate, and to sell said bonds, or so many of them as may be necessary after public advertisement, publicly or privately, on the best terms obtainable, not less than par. For the due execution of said bonds they shall be signed by the Mayor of said town, attested by the Clerk of said Board of Aldermen and sealed with the seal of the said town of Elizabeth City.
- If authorized by majority of qualified voters, aldermen to have bonds prepared.  
Denominations.  
Maturity.  
Interest.  
Sale of bonds.  
Minimum price.  
Execution.

Aldermen to levy and collect a special tax.

Amount.

Use of proceeds of bonds.

Rates for water, etc.  
Powers of board to establish water-works and sewerage.

Ownership.

All water-works and sewerage money to be paid to city treasurer.

Treasurer to increase his bond.

Amount of bond.

Collection of rents, charges and other revenue for water-works.  
Held and kept for what purpose.

Sinking fund.

Conflicting laws repealed.

SEC. 4. That in order to meet the payment of said bonds and the accruing interest thereon the said Board of Aldermen are hereby authorized and empowered to levy and collect a special tax not exceeding twenty cents on the one hundred dollars worth of assessed valuation of all the property, real, personal and mixed, choses in action and solvent credits.

SEC. 5. The money derived from the sale of said bonds the said Board of Aldermen shall use in providing and maintaining a system of water-works and sewerage for the use and as the property of said town. It shall be their duty to furnish, for the use of said town, all water necessary for public use and to the citizens of the town who may desire water or sewerage on such conditions and at such rates as the said Board of Aldermen may prescribe. And the said board is hereby fully authorized and empowered to perform any and all acts not inconsistent with this act which are necessary to establish and maintain a system of water-works and sewerage for the town of Elizabeth City and all the citizens thereof, and said system of water-works shall be owned by the said town.

SEC. 6. All moneys derived from the sale of said bonds and every other source pertaining to said water-works and sewerage shall be paid to the Treasurer of said town of Elizabeth City, to be disbursed under the directions of said Board of Aldermen, and the said Aldermen shall have the power and it shall be their duty to cause the Treasurer of said town to increase his bond before the proceeds from the sale of said bonds shall go into his hands in such sum as they may deem advisable, not to be less than fifty thousand nor more than one hundred thousand dollars.

SEC. 7. It shall be the duty of the said Aldermen 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 the revenues derived from said source shall be held and kept solely for the purpose of maintaining and extending said system of water-works, and the surplus after paying for the maintenance and extension of said system shall be used as part of the sinking fund for the redemption of said bonds until they shall have been fully redeemed.

SEC. 8. That all laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 171.

## AN ACT TO AUTHORIZE THE CITY OF HICKORY TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the city of Hickory be and the same is hereby authorized to issue coupon bonds not to exceed in amount the sum of one hundred thousand dollars and in denominations not less than one hundred dollars, nor greater than one thousand dollars, drawing interest from the date of such bonds at a rate not to exceed five per centum per annum and payable in said city of Hickory semi-annually, to-wit: On the first 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 two classes of equal amounts, the first class payable in twenty years from date of issue and the second class payable in thirty years from date of issue; and all bonds shall be numbered and signed by the Mayor of said city of Hickory and the Secretary of the Board of Aldermen and shall bear the corporate seal of said city.

SEC. 2. That the said bonds shall be sold to the highest bidder therefor and none sold for less than their face value, and the proceeds arising from the sale or sales shall be expended by the said Board of Aldermen in the erection and construction of a system of water-works and sewerage for said city, an electric or gas-lighting system, and for street improvements, or for any of these as said Board of Aldermen may determine: *Provided, however,* that this act shall be submitted to the qualified voters of said city for their ratification or rejection at an election to be held in said city at such time as said Board of Aldermen may appoint; such election shall be advertised by the Board of Aldermen for thirty days prior to the day of election in at least one newspaper published in said city and by a posted notice at the city hall, and in the call for said election the said Board of Aldermen shall specify for what purpose the funds arising from the sale of bonds is to be expended and the amount of bonds which it is proposed to issue. At such election those who favor issuing said bonds shall vote a ticket having written or printed thereon the words "For Improvement Bonds," and those opposed shall vote a ticket having written or printed thereon the words "Against Improvement Bonds." That the votes shall be deposited in a special box and immediately counted and within two days thereafter certified by the inspectors of said election to the said Board of Aldermen, who shall certify the result of said election to the Secretary of State and to the Register of Deeds for Catawba county. If a

Aldermen of  
Hickory author-  
ized to issue bonds.  
Amount.

Denominations.

Interest.

Bonds to be  
divided into two  
classes.

Maturity.

To be numbered.

Execution.

Selling price.

Use of proceeds.

Act to be sub-  
mitted to qualified  
voters.

Election, when  
held.

Advertisement.

Contents of call  
for election.

Form of ballots.

Ballot-box and  
count.

Returns to be  
certified.

If authorized by majority vote of qualified voters, aldermen to issue bonds.

Inspectors of election.

Election, how held.  
How often act may be submitted.

Fixing water and light rates.

Collection of revenues therefrom.

To be paid to treasurer.

Bonds of treasurer and collector.

Bonds and coupons exempt from city taxation.  
Coupons receivable for city taxes  
Expenses and interest, from what derived.

Surplus to create sinking fund.

Investment of sinking fund.

If revenues insufficient, aldermen may levy special tax.

Purposes.  
Amount.

Conflicting laws repealed.

majority of the qualified voters of said city shall vote for improvement bonds then the said Board of Aldermen shall proceed to issue and sell said bonds; otherwise this act shall be of no effect. The inspectors of said election shall be appointed and the election shall be held as is or may be provided for the election of a Mayor and Board of Aldermen for said city: *Provided*, that this act shall not be submitted to the qualified voters of said city oftener than once in twelve months.

SEC. 3. That the said Board of Aldermen shall fix the water and light rates and may authorize the City Tax-collector or any other person to collect all revenues arising from the sale of water or light; and said funds, together with the moneys arising from any tax levied for the payment of either interest or principal of said bonds shall be paid over to the Treasurer of said city of Hickory, and said City Tax-collector or any other person collecting said revenue and said City Treasurer shall give bond with justified sureties in such sum as the Board of Aldermen may determine, having in view the approximate amount of money which may come into the hands of the said officials.

SEC. 4. That the said bonds and their coupons shall be exempt from city taxation until their maturity, and said coupons shall be receivable in payment of city taxes.

SEC. 5. That the expenses of operating the said water-works system and the said electric or gas-lighting plant or either and the interest on the bonds issued under this act shall be paid out of the moneys derived from water and light rates; and out of any other revenues of the city not otherwise appropriated; that any surplus remaining after paying such expenses and interest on such bonds shall be retained by said Board of Aldermen as a sinking fund and preserved by the Treasurer of said board for the purpose of paying and cancelling said bonds; and the said Treasurer may loan the money passed to said sinking fund upon securities approved by the Mayor and Board of Aldermen of said city of Hickory.

SEC. 6. If the revenue derived from said water-works or electric or gas system and any other revenues which the Board of Aldermen can apply hereto should be insufficient to pay said expenses and interest and create such sinking fund then the said Board of Aldermen are empowered to levy a 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 of Hickory, for the purpose of paying such interest and creating such sinking fund, which said special tax shall not exceed thirty cents on the one hundred dollars worth of real and personal property and ninety cents on the poll.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

# CHAPTER 172.

## AN ACT TO INCORPORATE THE TOWN OF TOXAWAY, IN TRANSYLVANIA CO. N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Toxaway, in the county of Transyl-  
vania, be and the same is hereby incorporated by the name and style  
of the town of Toxaway, and shall be subject to all the provisions  
and shall have, enjoy and possess all the municipal privileges con-  
tained in chapter 62, volume 2 of The Code of North Carolina:  
*Provided*, that nothing in this act shall be construed to confer on  
the authorities of said town the right to tax, arrest or impound any  
live stock running at large belonging to owners living on the outside  
of the incorporate limits of said town.

Corporate name.

Chapter 62, vol. 2  
of The Code  
applicable.

Provision as to  
stock law

SEC. 2. That the corporate limits of the said town shall be as  
follows, to-wit: Beginning on a stone in the river at Eastatoe Ford  
and runs north 58 degrees and 30 minutes east with the road leading  
from Eastatoe Ford to a stone in the road at the southeast corner  
of the Toxaway Company's property: thence with the lines of the  
Toxaway Company's property in a northerly direction to the north-  
east corner of the Toxaway Company's said property at Galloway's  
line; thence westwardly with the various lines of the Toxaway Com-  
pany's property to the French Broad river at Toxaway bridge: thence  
across said river so as to include the bridge and with the Toxaway  
Turnpike road to the northwest corner of W. C. Fisher's property:  
thence with the various lines of Fisher's land to the French Broad  
river; thence down and with the meanders of the river to the  
beginning.

Corporate limits.

SEC. 3. That the officers of the corporation shall consist of a  
Mayor and three Aldermen and Constable or Town Marshal, and the  
following named persons shall fill the offices of Mayor and Aldermen  
until the first Monday in May, A. D. 1901, and until their successors  
are elected and qualified, to-wit: W. C. Fisher, Mayor; Vance  
Galloway, T. B. Galloway and Fleming Ramseur, Aldermen. The said  
Aldermen upon their qualification and organization shall elect a  
Constable, who shall hold his office until his successor is elected and

Officers.

Names of present  
officers.

qualified, and they may also elect such other officers as they deem proper.

Election, when held.

SEC. 4. That there shall be an election for the officers mentioned in this act held in the said town on the first Monday in May, 1901, and annually thereafter as required by the general law of the State regulating elections in cities and towns.

When appointed officers to meet and take oath of office.

SEC. 5. That it shall be the duty of the persons appointed to office under the provisions of this act to meet and take the oath prescribed by law for such offices before some justice of the peace of said county or other person qualified to administer oaths within thirty days from the passage of this act, and enter upon the discharge of their respective duties, and the Town Marshal or Constable provided for in this act before entering upon the duties of his office shall be required to execute a bond in the sum of one hundred dollars, to be approved by the Aldermen of said town.

Marshal's or constable's bond.

Misdemeanor to manufacture or sell intoxicating liquors in three miles.

SEC. 6. That any person or persons, firm or corporation manufacturing, selling or otherwise disposing of for gain any spirituous, vinous or malt liquors within three miles of the Transylvania Railroad Company's depot within the above-mentioned incorporate limits after May 1st, 1901, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars or imprisoned not less than twenty days for each offense.

Penalty.

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1901.

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#### CHAPTER 173.

### AN ACT FOR THE RELIEF OF WILLIAM GAY, OF EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Allowed to sell health bath cabinet without paying license.

SECTION 1. That William Gay, of the county of Edgecombe, be and he is hereby given authority to canvass for and sell a health bath cabinet without having to pay any State, county or corporation tax.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 174.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF SMITHFIELD, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two (2), chapter one hundred and forty-two (142) of Private Laws of one thousand eight hundred and eighty-three be and the same is hereby repealed, and the following is made section two and substituted in lieu thereto: "That the corporate limits of the town of Smithfield shall be as follows: Beginning on Neuse river at the mouth of Buffalo creek and runs up said creek to pointers, corner of the colored cemetery; thence along the line of said cemetery and along the line of the north side of North street south  $60\frac{1}{2}$  degrees east 30.34 chains to a stake opposite the northwest corner of the lot of J. O. Ellington; thence crossing said street and running as the line of said Ellington south  $29\frac{1}{2}$  degrees west 4.40 chains to a stake, Ellington and R. W. Hines' corner; thence as the line of said Ellington and Hines and past their corner south  $60\frac{1}{2}$  degrees east 11.16 chains to a stake; thence south  $29\frac{1}{2}$  degrees west 24 chains to a stake on the south side of the Smithfield and Goldsboro road; thence along the south side of said road, crossing the Wilson and Florence (or Short-cut) Railroad south 69 degrees east 18.63 chains to a stake on the line of right of way of said railroad, sixty-five (65) feet from the centre of the track; thence along the line of the right of way of said railroad on the southeast side 59.70 chains to a stake on said right of way; thence north  $60\frac{1}{2}$  degrees west 24.16 chains, crossing said railroad to a stake on the Smithfield and Goldsboro road, known as the River road, where a ditch crosses said road; thence along the southwest side of said road 18.60 chains to a stake opposite the corner of the J. G. Rose lands and Turlington Institute; thence crossing the road and running as the J. G. Rose line north 67 degrees west 30.90 chains to a poplar on the Rose Mill branch; thence down said branch to Neuse river; thence up Neuse river to the beginning."

Section 2, chapter 142, Private Laws 1883, repealed, etc.

Corporate limits of Smithfield.

SEC. 2. That section three (3) of chapter one hundred and forty-two (142) of Private Laws of one thousand eight hundred and eighty-three be and the same is hereby repealed, and the following is substituted in lieu of the same: That the town of Smithfield is hereby divided into four (4) wards, denominated the first, second, third and fourth wards. The first ward is bounded as follows: Beginning at the north side of North street where it is intersected by Second street and runs south with Second street and with a line beyond Second street to the J. G. Rose line, the same being the south-

Section 3, chapter 142, Private Laws 1883, repealed and new section substituted.

Wards of Smithfield, their number and boundaries.

ern extension of the town limits; thence with the town line to Nense river; thence up Nense river to the mouth of Buffalo creek; thence up Buffalo creek to where Fourth street runs to Buffalo creek; thence with North street eastwardly to the beginning. That second ward is bounded as follows: Beginning at the north side of North street where it is intersected by Second street and runs south with Second street and beyond Second street to the Rose line, the southern extension of the town limits; thence east with the Rose line and town line to Third street; thence north with Third street to North street; thence west with North street to the beginning. The third ward is bounded as follows: Beginning at the north side of North street where it is intersected by Third street and runs south with Third street to the southern extension of the town line to a ditch; thence east with said town line to a stake in a line of Fourth street; thence north to Fourth street; thence with Fourth street north to North street; thence west with North street to the beginning. That the fourth ward is bounded as follows: Beginning at the north side of North street where it is intersected by Fourth street and runs south with Fourth street to the southern extension of the town limits; thence with the town line to the eastern boundary line of said town to the Smithfield and Goldshore road; thence west with said road to a stake on said road, the same being a corner in said line; thence north as the town line runs to the extension of North street; thence with North street west to the beginning.

Section 4, chapter 142, Private Laws 1883, repealed and new section substituted.

Seven commissioners elected, when.  
Terms of office.

Division among various wards  
To be residents of respective wards and elected by same.

Section 9, chapter 142, Private Laws 1883, repealed and new section substituted.

Election of mayor.  
Duties.

Subsection 2 of section 40, chapter 142, Private Laws 1883, amended.

SEC. 3. That section four (4) of chapter one hundred and forty-two (142) of Private Laws of one thousand eight hundred and eighty-three be and the same is hereby repealed, and the following substituted in lieu of the same: There shall annually on the first Monday in May of each year be elected seven Commissioners for said town, who shall hold their office until their successors are qualified. The first ward shall have one Commissioner. The second, third and fourth wards shall have two Commissioners each. That said Commissioners shall be residents of the wards from which they are chosen and shall be elected by the qualified voters of each ward.

SEC. 4. That section nine (9) of chapter one hundred and forty-two (142) of Private Laws of one thousand eight hundred and eighty-three be and the same is hereby repealed, and the following is substituted in lieu of the same: That the Commissioners of said town, after being duly qualified, shall on Thursday succeeding the day of their election, elect by ballot a Mayor for the said town of Smithfield, and the Mayor shall preside at all meetings of the Board of Commissioners and have all the rights and powers and perform all the duties heretofore prescribed by law for said office.

SEC. 5. That subsection two (2) of section 40 of Private Laws of one thousand eight hundred and eighty-three be and the same is hereby amended by striking out all of said section after the word



"exceeding" and writing in lieu thereof the words "five hundred dollars."

SEC. 6. That chapter twenty-five of Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby repealed. Chapter 25, Private Laws 1889, repealed.

SEC. 7. That chapter two hundred and forty-eight of Private Laws of one thousand eight hundred and ninety-one be and the same is hereby repealed. Chapter 240, Private Laws 1891, repealed.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

#### CHAPTER 175.

### AN ACT TO INCORPORATE THE TOWN OF LAWRENCE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Lawrence, in the county of Edgecombe, be and the same is hereby incorporated under the name of Lawrence, and the limits of said town shall be bounded as follows: One-half mile square, with the centre of the road in front of Emmett Savage's store exactly in the centre of said one-half mile square. Corporate names—Corporate limits

SEC. 2. That the officers of the town shall be a Mayor, four Commissioners and a Marshal, to be elected in accordance with the general laws regulating the elections of cities and towns for officers thereof. Officers—How elected

SEC. 3. That until the election in May, 1902, or the time as prescribed by law for the election of officers for towns and cities during said year, and until their successors shall be elected or appointed, the officers of said town shall be V. B. Knight, Mayor; L. M. Savage, B. W. Knight, T. F. Savage and Emmett Savage, Commissioners. The Marshal of said town shall be elected by the said Commissioners to serve until the annual election in 1902 or until his successor shall be elected or appointed. Names of present officers—Election of marshal—Term of office

SEC. 4. That the said town and the officers thereof shall be governed by and shall have and exercise all the jurisdiction, rights and powers conferred under the law as contained in chapter sixty-two of The Code, and the Marshal of said town shall have the same jurisdiction and powers possessed and exercised by township constables in said county, and the Commissioners shall also have power and authority to levy a tax on personal property as on real estate. Chapter 62 of Code applicable. Powers and jurisdiction of marshal—Power of commissioners to levy tax.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

## CHAPTER 176.

AN ACT TO AMEND CHAPTER 138 OF THE PRIVATE LAWS OF  
1874 AND 1875.*The General Assembly of North Carolina do enact:*

Section 3, chapter  
131, Private Laws  
1874-5, relative to  
school commis-  
sioners of Char-  
lotte, amended.

SECTION 1. That chapter 138 of the Private Laws of 1874 and 1875 be and the same is hereby amended by adding at the end of section 3 thereof and immediately before the period the following: "*Provided further*, that whenever the wards of said city of Charlotte shall be changed and the number increased there shall at the next and every succeeding election of School Commissioners be two Commissioners elected for each ward of said city and said Commissioners shall have all the powers and be subject to all the duties and liabilities of their predecessors."

Section 4 amended.

SEC. 2. That the word "eight" in line one of section 4 of said chapter 138 be and the same is hereby stricken out.

Section 5 amended,  
relative to estab-  
lishing free  
library.

SEC. 3. That section 5 of said chapter is hereby amended by adding between the words "study" and "and" in line five of said section the words "to establish and maintain a library which shall be free for the use of the teachers and students of the graded schools of said city and the public generally."

Sections 13, 14 and  
15 added to said  
chapter.

SEC. 4. That said chapter 138 of the Private Laws of 1874 and 1875 be and the same is hereby further amended by adding thereto the following additional sections, to be numbered sections 13, 14 and 15, as follows, to-wit:

School commis-  
sioners to estab-  
lish and maintain  
free library.

"SEC. 13. That the School Commissioners of the city of Charlotte shall establish and maintain a library which shall be free for the use of the teachers and students of the graded schools of said city and the public generally; and shall have power to acquire, by donation, purchase or otherwise, books, charts, maps, periodicals and other publications and property of every kind suitable for such library, and shall arrange for separate books and publications for the white and colored races, and provide separate rooms for the use of each of said races, said rooms to be located in such part or parts of said city as the said School Commissioners may designate."

Powers and duties  
relative thereto.

Separate books,  
rooms, etc., for  
races.

"SEC. 14. That said School Commissioners shall have power to prescribe such rules and regulations for the use of such library as it may deem proper, and to do all acts and things necessary for the successful maintenance and operation of said library. The expense of equipping and maintaining the same shall be paid out of the school revenues of said city of Charlotte, and the Treasurer of said Board of School Commissioners is hereby authorized and directed to pay the sum upon the order or warrant of the chairman of the said 'The School Commissioners of the city of Charlotte.' The Board of

Location.

Power to prescribe  
rules and regula-  
tions, etc.

Expense, how  
paid.

Aldermen of the city of Charlotte, on behalf of said city and at its costs, shall provide suitable rooms for the use of said library."

Board of aldermen  
to provide suitable  
rooms.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1901.

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#### CHAPTER 177.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF ALBEMARLE, STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 149, Private Laws of 1899, section 2 of said chapter, be so amended as to read as follows: The corporate limits of said town shall extend from the centre of the public square in said town one-fourth of a mile, running with the compass bearings west to a stone; thence north with the compass bearing of Second street five-eighths of a mile to a stone; thence east with the compass bearing of North street one mile to a stone; thence south 24 degrees east nine-twentieths of a mile to a stone; thence south 59 degrees west one-half mile to a stone; thence north 80 degrees west nine-eighths of a mile to a stone; thence south 37 degrees west seven-sixteenths of a mile to a stone in the old line; thence west with the compass bearings of South street three-eighths of a mile to a stone, the old corner; thence north with the compass bearings of Second street three-eighths of a mile to a stone.

Chapter 149, Pri-  
vate Laws 1899,  
amended.

Corporate limits of  
Albemarle.

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

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

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#### CHAPTER 178.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 2 of chapter 235 of the Private Laws of 1899 be and the same is hereby repealed, and in lieu thereof the following is substituted: The corporate limits of the city of Dur-

Section 2, chapter  
235, Private Laws  
1899, repealed.

Corporate limits of Durham shall be as follows, to-wit: The boundary lines of said city of Durham.

Durham shall be in the shape of a parallelogram four thousand (4000) yards long and three thousand (3000) yards wide, the northern and southern boundary lines being of the length of four thousand (4000) yards each, and running parallel with the centre line of Main street between Mangum street and Dillard street, and the eastern and western boundary lines being of the length of three thousand (3000) yards each and running at right angles with the northern and southern boundary lines; the distance from a stone eight (8) inches square set up at the point where a straight line running along the middle of Mangum street intersects. A straight line running along the middle of Main street in the present city of Durham shall be as near as may be the geographical centre of the city limits, that is to say, the city boundaries herein prescribed shall be so laid off that the distance from the aforesaid stone at the intersection of said Mangum street and Main street shall be two thousand (2000) yards by a straight line to the nearest point on the eastern boundary line of said parallelogram, and the distance from said stone shall be two thousand (2000) yards by a straight line to the nearest point on the western boundary line of said parallelogram. And the distance from said stone shall be seventeen hundred and sixty (1760) yards by a straight line to the nearest point on the northern boundary line, and the distance from said stone shall be twelve hundred and forty (1240) yards by a straight line to the nearest point on the southern boundary line of said city of Durham.

Section 3, chapter 235, Private Laws 1899, repealed.

Division of city into wards.

Boundaries to be advertised.

Division of city into precincts.

Proviso.

Section 11, chapter 235, Private Laws 1899, amended.

SEC. 2. That section 5 of said chapter 235 of the Private Laws of 1899 be and the same is hereby repealed, and in lieu thereof the following is substituted: That the Board of Aldermen of said city are empowered and directed, within thirty days after the passage of this act, to divide the said city of Durham into four wards and fix the boundaries thereof, and said Board of Aldermen are hereby instructed to advertise the said boundaries for thirty days at the courthouse door and in two newspapers published in Durham, North Carolina; that for the purpose of elections the city of Durham shall be divided in such precincts as the Board of Aldermen may direct: *Provided*, the said Board of Aldermen shall make the voting places and the boundaries of the said precincts conform, as nearly as may be practicable, to those designated and prescribed by the general law for election of State and county officers.

SEC. 3. That section eleven of said chapter 235 of the Private Acts of 1899 be and the same is hereby amended by striking out the word "seven" in line three of said section and inserting in lieu thereof the word "eight," and that section fifteen of said act be amended by striking out the word "seven" in line seven of said section and inserting in lieu thereof the word "eight."

SEC. 4. That not more than two Aldermen shall be residents of the same ward. Not more than two aldermen resident in one ward.

SEC. 5. That the Board of Aldermen shall provide for an entire new registration of voters prior to the election of officers to be held on the first Monday of May in the year one thousand nine hundred and one. New registration.

SEC. 6. That the Board of Aldermen of the city of Durham are hereby authorized to purchase one or more tracts of land for the purpose of establishing one or more public squares in the city of Durham and of one or more public parks near the city of Durham: Public squares and parks.  
*Provided*, that all the same shall not exceed six hundred acres nor any tract be situated further than six miles from the city of Durham: Number of acres and situation.  
 if the owners thereof and the said Board of Aldermen shall not be able to agree upon a price for said land, said board shall have the right to condemn the same in the same manner as is provided in Right to condemn land.  
 section sixty-one, chapter 235 of the Private Laws of 1899, for condemnation of land for streets: in case of such condemnation the title to such tract or tracts of land shall be in the city of Durham Procedure.  
 in fee-simple. Title.

SEC. 7. That chapter one hundred and eighty-six, Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of North Durham, in Durham county," be and the same is hereby repealed. Chapter 186, Private Laws 1891, repealed.

SEC. 8. That chapter two hundred and sixty-three (263) of the Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the grounds of Trinity College Park, and an act to amend the charter of Trinity College so as to provide for the admission of students to share in the government thereof," be and the same is hereby repealed in so far as the same is in conflict with the provisions of this act. Chapter 263, Private Laws 1891, so far as in conflict with this act, repealed.

SEC. 9. That any and all laws in conflict with the provisions of this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 10. That no license to wholesale or retail spirituous, vinous or malt liquors shall be granted to any person to conduct such business at a point more than five hundred yards from the centre of the city of Durham, as such centre is established in section 1 of this act. Limits prescribed in which liquor license may be granted

SEC. 11. That all cemeteries, property held for educational, scientific, literary, charitable or religious purposes located within the corporate limits of the city of Durham shall be exempt from taxation. Certain property exempt from taxation.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 179.

AN ACT TO AMEND CHAPTER 65 OF THE PRIVATE LAWS OF 1895, CHANGING THE NAME OF WAKE BANKING AND SECURITY COMPANY TO CAROLINA TRUST COMPANY AND GIVING TWO YEARS WITHIN WHICH TO ORGANIZE.

*The General Assembly of North Carolina do enact:*

Section 1 amended. SECTION 1. That the words "Wake Banking and Security Company" in section 1, line five in chapter 65, Private Laws of 1895, be stricken out and in lieu thereof the words "Carolina Trust Company" be inserted, and that the corporate name shall be "Carolina Trust Company."

Corporate name changed.

Section 12 amended.

SEC. 2. That all after the word "provided" in line two, section 12 in chapter 65, Private Laws of 1895, be stricken out and the following inserted in lieu thereof: "The corporation is organized within two years from the ratification of this act."

Time of organization extended.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 180.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY OF PRIVATE LAWS OF 1899, BEING AN ACT TO AMEND THE CHARTER OF THE TOWN OF KINSTON, IN THE COUNTY OF LENOIR, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eighty of the Private Laws of the General Assembly of eighteen hundred and ninety-nine, being "An act to amend the charter of the town of Kinston, in the county of Lenoir, North Carolina," be amended as follows: By striking out of section 2 of said chapter all after the word follows in line one of said section and inserting in lieu thereof the following, to-wit: "Beginning at iron post five hundred feet of Mitchell avenue, extended north, and about sixteen feet south of the big ditch at the foot of Washington's Hill, running with said ditch eastwardly and parallel with said ditch to the intersection of said line with East street extended northwardly; thence in a southeastwardly direction to a point on the Tower Hill road where said road intersects a line running northwardly parallel with and five hundred feet east of

Corporate limits.

Orion street extended northwardly; then southwardly parallel with and five hundred feet east of Orion street to the intersection of Shine street extended eastwardly; thence in a southwesterly direction to the northern end of a bridge over a ditch at the southern foot of Queen street; thence due northwest to the intersection of a line parallel to and five hundred feet west of Heritage street; thence north along said parallel line to south bank of Neuse river; thence up and with course of said river to the intersection of a line parallel to and five hundred feet west of Mitchell avenue extended south; thence with said line to the beginning."

SEC. 2. By striking out of section 3 all after the word "ward," where it first appears in line three of said section, and inserting in lieu thereof the following, to-wit: "Beginning at iron post at northwest corner of town limits and running east with northern boundary of the town to Queen street; thence south with Queen street to Bright street; thence east with Bright street to Melvaine street; thence with Melvaine street extended to southern limit of the town; thence with southern limit westerly to where said limit intersects Queen street extended south; thence with western boundary of the town to the beginning. Second ward: Beginning on northern boundary at northeast corner of First ward and running with northern boundary of town easterly to Independence street extended north; thence with Independence street southerly to King street; thence with King street easterly to East street; thence southerly with East street to Bright street; thence with Bright street easterly to eastern boundary of the town; thence with said eastern boundary south to Shine street extended easterly; thence with southern boundary of the town to Melvaine street extended south; thence with Melvaine street extended south northwardly to Bright street; thence with Bright street westwardly to Queen street; thence with Queen street north to the beginning. Third ward: Beginning at northeast corner Second ward and running eastwardly with northern boundary of the town to East street extended north; thence with said northern boundary eastwardly to where said boundary intersects the eastern boundary; thence with eastern boundary southwardly to Bright street extended eastwardly; thence westerly with Bright street extended to East street; thence with East street northwardly to King street; thence with King street westwardly to Independence street northwardly to beginning."

SEC. 3. By striking out the word "necessary" in line four of section 26 and substituting therefor the word "extraordinary." Line 4, section 26, amended.

SEC. 4. By striking out the words "votes cast" in line five of section 26 and substituting therefor the words "qualified voters" of said town. Line 5, section 26, amended.

SEC. 5. By striking out the words "votes cast" at said voting in Priv—31 Line 27, section 26, amended.

line 27 of section 26 and substituting therefor the words "qualified voters of said town at said election."

Subsection 11, section 37, amended.

SEC. 6. By striking out the words and figures "twenty-five (25)" in line five of subsection 11 of section 37 and substituting therefor the words and figures "seventy-five (75)."

Subsection 11, section 61, amended.

SEC. 7. By striking out the words and figures "one hundred and twenty (120)" in lines two and three of subsection 11 of section 61 and substituting therefor the words and figures "one hundred and fifty (150)."

Section 77 added.

SEC. 8. By adding the following section, to be known as number 77: "That in order to pay the interest on the bonds of the town of Kinston now outstanding and interest on any and all bonds of said town that may be hereafter lawfully issued, the Board of Aldermen are hereby authorized, and it shall be their duty annually, to compute and levy at the time of levying other taxes of said town a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation which shall be returned and listed for general taxation in said town, always observing the constitutional equation between the tax on the property and the tax on polls, not exceeding fifteen cents on the hundred dollars valuation of property and forty-five cents on each poll, with which to regularly and promptly pay the interest on said bonds. Said taxes shall be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the Town Tax-collector to the Treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer's for collecting and paying over and the latter for the safe-keeping and proper disbursement of said funds."

Amount.

Taxes, how and when collected. To be paid to treasurer. Bonds of collector and treasurer.

Section 78 added.

SEC. 9. By adding the following section, to be known as number 78: "That no franchise nor amendment or addition to a franchise shall be granted by the Board of Aldermen of said town until and unless the applicant shall have first caused notice of the franchise or amendment or addition desired and of the time of making application to be published in some newspaper of the town of Kinston for thirty days next preceding the application, and that any franchise or amendment or addition to a franchise granted hereafter without such notice having been so published shall be void: *Provided*, this section shall not apply to licenses and privileges granted for a term not exceeding one year."

Provisions for granting franchises or amendments thereto.

Granted without notice, void. *Proviso*.

Section 79 added.

When funds derived from bond sales may be deposited in bank on interest.

SEC. 10. By adding the following section, to be known as number 79: "That if at any time there shall be in the hands of the Treasurer of said town moneys derived from the sale of bonds of said town, which for any cause cannot be immediately applied to the purposes for which said bonds were issued, the Board of Aldermen shall have the right during such time as said moneys cannot be so applied to deposit the same at the best rate of interest obtainable in some bank doing business in the State of North Carolina."



SEC. 11. By changing the numbers of section seventy-seven (77) and seventy-eight (78) to eighty (80) and eighty-one (81) respectively. Sections 77 and 78 changed to 80 and 81 respectively.

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

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

In the General Assembly read three times, and ratified this the 1st day of March, 1901.

# CHAPTER 181.

## AN ACT TO INCORPORATE THE TOWN OF ANGIER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Angier, in the county of Harnett, be and the same is hereby incorporated under the name and style of the town of Angier, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for use of the town, as its Board of Commissioners may deem necessary and expedient. Corporate name.  
Corporate powers.

SEC. 2. That the corporate limits of said town shall be as follows: Corporate limits.  
Beginning at an iron hub 311½ feet south 16 degrees east of the southeast corner of the depot of the Cape Fear and Northern Railway Company, known as Angier, situate near the residence of J. C. Williams, in Black River township, Harnett county, and running thence four straight [lines.] as follows, viz.: One north 5½ degrees east 3960 feet long; one south 5½ degrees west 2640 feet long; one north 84½ degrees west 1320 feet long; one south 84½ degrees east 1320 feet long; and the corporate limits of said town shall be confined within a parallelogram included with four lines running at right angles to the said lines and extending each way until they intersect each other respectively.

SEC. 3. That the officers of said town shall consist of a Mayor, three Commissioners and a Marshal, and the following named persons shall fill said offices until the first Monday in May, nineteen hundred and two, or until their successors are duly elected and installed into office, to-wit: J. C. Williams, Mayor; B. F. Williams, W. H. Gregory and S. C. Adams, Commissioners, and M. W. Denning, Marshal, and a Secretary and Treasurer, to be chosen by the Board of Commissioners immediately after its organization. Officers.  
Names of present officers.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, *Anno Domini* nineteen hundred and two, and every year thereafter under the same rules and regula- Election of officers, when and how held.

Registrar and judges. Registration.	tions that govern State and county elections, and the Mayor and Commissioners shall appoint a registrar and two judges to conduct such election and provide for the registration of the voters in the corporate limits of the town. All persons qualified to vote for members of the General Assembly, who have resided ninety days within the corporate limits of the town, shall be allowed to register and vote in the town election.
Qualifications of electors.	
Power of commissioners to assess and collect taxes.	SEC. 5. That the Board of Commissioners of said town shall have the authority to assess and collect annual taxes for municipal purposes on all persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt: <i>Provided</i> , that the basis between persons and property shall be the same as established by the Constitution of the State, and taxes so assessed and collected shall not exceed twenty cents on the hundred dollars worth of property and sixty cents on the poll.
Provision as to equation.	
Maximum amount of taxes.	
Passage of ordinances.	SEC. 6. That the Board of Commissioners of the town may pass all ordinances for the good government, quiet, peace, health and safety of the town, not inconsistent with the Constitution and laws of the State and of the United States, that they deem necessary.
Violation of ordinances a misdemeanor.	SEC. 7. That the violation of any ordinance of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty days.
Penalty	
Jurisdiction of mayor.	SEC. 8. That the Mayor of said town, within the limits thereof, shall have and exercise the true jurisdiction and powers which are now or may hereafter be conferred by the laws governing cities and towns. And the Marshal of said town shall, within the corporate limits thereof, have and exercise all the authority, rights and powers which are now or may hereafter be conferred by the laws on constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such Marshal.
Authority of marshal.	
Collection of fines and costs.	SEC. 9. That the town Marshal shall collect and pay over to the Secretary and Treasurer all taxes imposed by the Board of Commissioners, all fines and cost, when execution is issued to him for that purpose, and return the same in due time to the Secretary and Treasurer. He shall see that the ordinances of the town are enforced, and report all breaches to the Mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence, and apprehending offenders and taking them before the Mayor, or if they are intoxicated or in any way not in condition to be brought before the Mayor he may confine them until they are in a condition to be brought before the Mayor. He shall execute all precepts directed to him by the Mayor, within the limits of said town, and make due return thereof, and in the execution of his duties he may call to his aid such assistance as he may deem necessary; and whenever
Duties of marshal.	

the Board of Commissioners may deem it necessary they may appoint as many additional Marshals as they see proper. He shall have the same fees for his services and such additional compensation as the Board of Commissioners may allow.

Additional marshal.

Fees for services of marshal.

SEC. 10. The Secretary and Treasurer shall act as Clerk of the Board of Commissioners and of the Mayor's court. He shall keep minutes of the proceedings of all trials before the Mayor, of all fines imposed, preserve the books, papers and all articles committed to his care, keep a strict account of all money coming into his hands from any and all sources whatsoever belonging to said town, pay the same out upon the order of the Board of Commissioners, signed by the Mayor; and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town; and for the services he shall receive such compensation as the Board of Commissioners may allow.

Duties of secretary and treasurer.

Compensation.

SEC. 11. The Secretary and Treasurer, before entering upon the duties of his office, shall enter into bond conditioned upon the faithful performance of his duties, in such sum as said Commissioners shall deem sufficient, payable to the State of North Carolina, with surety to be approved by the Board of Commissioners; and the Town Marshal shall enter [into] like bond before entering upon his duties; and the Board of Commissioners, upon the breach of said bonds, shall institute suit in the Superior Court of Harnett county, in the name of the town of Angier, upon the relation of the State of North Carolina, and all amounts recovered by said suits, after paying the court cost, shall go into the treasury of said town.

Secretary and treasurer's bond.

Proceedings on breach of bond.

Amounts recovered, how disposed of.

SEC. 12. That the Mayor shall have power to commit any person (offender) who is sentenced for misdemeanor or violation of the town ordinances, or for contempt of the Mayor's court, or upon failure to pay fine and cost, to the common jail of Harnett county, and the sheriff or jailer shall receive such persons as are committed by the Mayor, and shall receive the same fees as in cases of other prisoners, for which said town shall be liable unless paid by the prisoner, or the Mayor shall have power under such rules and regulations as the Board of Commissioners may adopt to require any person who commits a misdemeanor, or violates a town ordinance, or who fails to pay fines and costs, or who fails to pay costs in a case where judgment may be suspended, to work on the streets of the town until the fines and costs are paid at such price per day as the Board of Commissioners may determine; and the Town Marshal is authorized to use a ball and chain upon persons working the streets for the non-payment of such fines and costs.

Power of mayor to commit to jail.

Duty of sheriff or jailer to receive same.  
Fees

Power to work  
Persons convicted on streets.

SEC. 13. That all fines and penalties imposed for violations of the town ordinance shall be paid over to the Secretary and Treasurer, and shall be expended for the improvement of the streets of the town, or for the necessary expenses of the town.

Penalties, how paid and expended.

Official oath of mayor.

SEC. 14. That the Mayor, immediately after the ratification of this act and each election thereafter, before entering upon the duties of his office, shall before a justice of the peace take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to law.

Official oath of commissioners.

SEC. 15. That each Commissioner, before entering upon the duties of his office, shall take before the Mayor or some justice of the peace, the oath as prescribed for public officers and an oath that he will truly and impartially perform the duties of Commissioner for the town according to the best of his skill, ability and judgment.

Terms of office.

SEC. 16. That the Mayor and Commissioners shall hold their office respectively until the election to be held in nineteen hundred and two, as hereinbefore provided, and until their respective successors shall be qualified and inducted into office; the Mayor when present shall preside at the meetings of said Board of Commissioners, but shall not be entitled to a vote upon any question except in case of a tie. In the absence of the Mayor the board may appoint one of their number Mayor *pro tempore*. The said board shall also have power to fill all vacancies which may occur.

Mayor to preside but not vote except in case of tie.

Mayor *pro tem*.

Vacancies.

Penalty for failure to take the oath of office and serve.

SEC. 17. All persons qualified to serve who may be elected Mayor or Commissioners, either by Commissioners to fill a vacancy or otherwise, who shall not take the oath of office within five days after his election, or who having qualified shall fail to serve during the term for which he was elected (inability from sickness, removal from the town or resignation excepted) shall forfeit and pay fifty dollars, to be recovered before a justice of the peace of Harnett county in the name of and for the benefit of the town of Angier, or failing to pay such fine shall be imprisoned in the county jail not to exceed thirty days.

Streets adopted.

SEC. 18. That the streets, as laid out by J. C. Williams and shown on the map by D. E. Green, Surveyor, recorded in the office of Register of Deeds of Harnett county in Book 8, No. 2, at pages 324, 325, 326, etc., are hereby adopted and made the streets of the said town, subject to the right of way of the Cape Fear and Northern Railway Company. And said Commissioners shall have the power from time to time to extend said streets, to open out any new street and alleys within the limits of said town by paying the owner through whose lands the said streets and alleys may run the damages, if any there be: *Provided*, that if the said Commissioners and owners of said land cannot agree as to the price of the same it shall be left to three disinterested persons, to be selected as follows, viz.: 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 men thus selected shall select a third man, and the

Power to extend or make new streets.

Provisions for condemning land for streets and assessing damages.

three thus selected shall assess the damages to the land; and the men thus selected shall make and sign a report of their action in writing in duplicate, one copy of which shall be delivered to the Secretary and Treasurer of the town for the Commissioners and the other delivered to the owner of the land; and upon the payment or tender of the amount of the damages so assessed by the town to the owner of the land the title to said land shall at once vest in said town for the purposes of streets: *Provided*, that either party being dissatisfied with the decision of the persons thus selected, by giving bond in the sum of fifty dollars to secure the payment of the costs, may appeal to the Superior Court of Harnett county, where the same shall be entered upon the civil issue docket and be heard and determined before a jury *de novo*: *Provided further*, that notice of said appeal shall be served in writing on the other party and bond executed by appellant and delivered to the Clerk of the Superior Court of Harnett county within ten days from the filing of the report of the jury appointed to assess the damages as aforesaid; and when the Secretary and Treasurer of said town shall receive notice from the Clerk of the Superior Court that the appellant has complied with the foregoing requirements as to appeal, he shall immediately transmit to said Clerk of the Superior Court a certified copy of all the proceedings in said condemnation matter which shall constitute the record in the case in the said Superior Court of Harnett county.

Upon tender of payment of assessed damages title to vest in town.

Appeal.

Notice of appeal.  
Appeal bond.

Secretary and treasurer upon notice of appeal to transmit certified copy of proceedings to clerk superior court.

SEC. 19. That said Commissioners may prohibit the running at large mules, horses, cattle, hogs, dogs, sheep, jacks, jennies, goats, geese and other fowls or live stock in the corporate limits of said town, and are hereby empowered to make such rules and regulations for impounding and sale of all animals, fowls and stock mentioned in this section, as well as other live stock, fowls and animals not mentioned, found roaming at large within the corporate limits of said town contrary to the ordinances thereof.

Power of commissioners to establish stock laws.

SEC. 20. That said Commissioners may in their discretion grant license to one or more persons to sell by the wholesale or retail wines, beer, spirituous and malt liquors within the corporate limits of said town, under such rules and regulations as they may prescribe.

License to sell liquors

SEC. 21. That the Mayor and Commissioners and Marshal named in this charter shall hold said offices, with all the powers, privileges, rights and responsibilities which this charter confers until their successors are elected, qualified and duly inducted into office.

Terms of officers named in this act.

SEC. 22. That in addition to the rights, franchises and immunities conferred by the foregoing sections the town of Angier shall have and be subject to all the provisions contained in The Code of North Carolina, chapter sixty-two, not inconsistent with this act.

Chapter 62 of Code applicable.

SEC. 23. That all laws and parts of laws in conflict with this act are hereby repealed in so far as the same may apply to the town of Angier.

Conflicting laws repealed.

SEC. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 182.

### AN ACT TO AMEND CHAPTER SEVENTY-EIGHT (78), PRIVATE LAWS OF NORTH CAROLINA 1889, TO INCORPORATE THE TOWN OF SOUTHPORT.

*The General Assembly of North Carolina do enact:*

Section 36, chapter  
78, Private Laws  
1889, amended.

SECTION 1. That section thirty-six (36) of chapter seventy-eight, Private Laws of 1889, be amended by striking out the words "twenty-five" in line eleven of said section and inserting in lieu thereof the words "thirty-five," and the words "seventy-five" in line fourteen and inserting in lieu thereof the words "one dollar."

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 183.

### AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF LEAKSVILLE, IN THE COUNTY OF ROCKINGHAM, AND THE AMENDMENTS THERETO.

*The General Assembly of North Carolina do enact:*

Body corporate.

SECTION 1. That the inhabitants of the town of Leaksville, in the county of Rockingham, shall be and continue as they have heretofore been a body politic and corporate, bearing the name and style of the town of Leaksville, and in the name of the Board of Commissioners of the town of Leaksville shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded and to purchase and hold and convey real or personal property.

Corporate name.

Corporate powers.

Corporate limits.

SEC. 2. That the corporate boundaries of the town of Leaksville shall be as follows, to-wit: Beginning at the mouth of Burton's spring branch where the same empties into the Dan river, running up said branch as it meanders to the Leaksville-Madison public road; thence up the North Fork branch as it meanders to a drain which

crosses Hamilton street near the fork of the road leading to Center Meeting-house: thence up said drain to Hamilton street and with said street to A. B. John's corner; thence north 39 degrees west 429 feet to a stake; thence north 27 degrees east 173 feet to a stone, the corner of the William Byrd survey in J. C. Fields' fruit yard; thence north 2 degrees east with the line of Byrd survey 567 feet to A. B. John's corner in said survey; thence north  $57\frac{1}{4}$  degrees east, crossing Henry street to Monroe street; thence with Monroe street south  $36\frac{1}{2}$  degrees to Early avenue; thence with Early avenue, crossing Bridge, Moir and Railroad streets to a branch north of said Railroad street; thence following the meanderings of said branch to Spring street; thence with Spring street to Glovinia street; thence with said street south  $40\frac{1}{2}$  degrees east to the D. and W. Railroad; thence continuing with said street south 67 degrees east, crossing the public road leading from Leaksville to Spray to Ridge avenue; thence with Ridge avenue 1073 feet to D. F. King's and B. F. Ivie's corner and King's brick-yard with Ivie's line south 22 degrees east 442 feet to his corner in Ridge road; thence following the meanderings of said road to the line of the north side of public cemetery, and running with said line to the ford of Tanyard branch; thence with said branch as it meanders to Dan river; thence up the meanderings of said river to the beginning.

SEC. 3. That there shall annually on the first Monday in May Election, when of each year be elected a Mayor and three Commissioners, who shall held.  
hold office until their successors are duly elected and qualified, all Term of office.  
to be elected by the qualified voters of the town.

SEC. 4. That any qualified elector in the State shall be eligible Qualifications of as Mayor or Commissioner; *Provided*, he shall have resided within electors.  
the corporation of Leaksville for the twelve months next preceding the day of the election.

SEC. 5. That all persons entitled to vote in the county of Rock- Qualifications of ingham for members of the General Assembly and who shall have electors  
been *bona fide* residents of the town of Leaksville for ninety days next preceding the election shall be entitled to vote for Mayor and Commissioners, or at any election held therein for any municipal purposes; *Provided*, he shall have complied with the registration laws. The registrar for the town of Leaksville shall be appointed Registrar.  
by the Commissioners at least thirty days and not more than sixty days previous to any municipal election for any purpose and shall be paid a fair compensation for his services. The said registrar Compensation.  
shall be furnished by the Commissioners with the necessary registra- Registration books  
tion book not less than thirty days next preceding any municipal to be furnished.  
election. It shall be the duty of the registrar to revise the registra- Revision of registra-  
tion book of the town before each election in such manner that tion books.  
said book shall show a true and accurate list of the electors entitled to vote in said town at such election, and he shall erase from the

When registration  
book open.  
Ballot boxes.

book the names of all persons not entitled to vote in said town. The registrar shall keep his book open at some convenient place within the said town of Leaksville for the registration of electors for thirty days next preceding the election. Each class of officers shall be voted for in separate boxes. The Mayor shall be voted for in one box and on one ballot, and the Commissioners shall be voted for in one box and on one ballot.

Oath of mayor.

SEC. 6. That the Mayor, immediately after the election and before entering upon the duties of his office, shall take before some justice of the peace the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of Mayor of the town of Leaksville, during my term of office, and I will cause to be executed as far as is in my power all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice to all and in all cases whatsoever."

Oath of commis-  
sioners.

SEC. 7. That each Commissioner shall, before entering upon the duties of his office, take before the Mayor or any justice of the peace an oath that he will truly and impartially perform the duties of a Commissioner for the town according to the best of his skill, ability and judgment.

Vacancies, how  
filled.

SEC. 8. That the Board of Commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers they may deem necessary for the efficient administration of the affairs of the town. The Board of Commissioners shall be further authorized to appoint one of their number as Mayor *pro tempore* to act as Mayor in case of the absence of the Mayor or his inability to perform the duties of his office; *Provided*, that Tax-collectors, Treasurers and all other officers who may be entrusted with town funds shall be required before entering upon the discharge of their duties as such to execute with good security a bond in a sufficient sum to indemnify the town against any loss, said bond to be approved by the Commissioners.

Mayor *pro tem*.

Officers entrusted  
with town funds to  
give bond.

Powers of com-  
missioners to pass  
ordinances and  
impose fines, etc.

SEC. 9. The Board of Commissioners of the town of Leaksville shall have power to make such special ordinances for the better government of the town and the protection of the health, property and happiness of its citizens as they may deem expedient and proper. They shall provide for and secure the peace and good order of the town against disturbances by quarrels, loud, profane or obscene language, riots, affrays, trespasses or any other breaches of the peace by imposing such fines or imprisonment within the jurisdiction of justices of the peace as they shall deem expedient and proper and sufficient to prevent the same or a recurrence thereof.

Mayor constituted  
inferior court.

SEC. 10. That the Mayor of the town of Leaksville is hereby constituted an inferior court, and as such shall have within the corporate



limits of the town all the power, jurisdiction and authority of a Justice of the peace to preserve the peace, to issue process, to hear and determine all cases of action which may arise upon the ordinances and regulations of the town, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute all by-laws, rules and regulations made by the Commissioners.

SEC. 11. The Mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinances of the town, and if the accused be found guilty he shall be fined at the discretion of the Mayor not exceeding the amount specified in the ordinance so violated, or imprisoned in the common jail of the county for a term not longer than that mentioned in the ordinance: *Provided*, that if the accused is dissatisfied with the judgment of the Mayor he may appeal in like manner as is prescribed for appeals from judgments of a justice of the peace.

SEC. 12. That the Mayor may issue his precepts to the Town Constable, who may execute the same anywhere in Rockingham county, or to any other officer to whom a justice of the peace may issue his precept. An endorsement by the Mayor of the names of the witnesses upon a summons or warrant shall be authority for the officer to subpoena the witnesses whose names are so endorsed. The Mayor shall keep a docket and faithful minute of all precepts and proceedings of his court.

SEC. 13. The Mayor and other town officers shall receive as their compensation such salary or fees or commissions as the town Commissioners may determine upon: *Provided*, that no salary shall exceed two hundred and fifty dollars, and when Commissioners shall be determined upon they shall not exceed five per cent. one way, and when fees are determined upon they shall be the same as are allowed by law to sheriffs and justices of the peace in like cases: *Provided further*, that the salaries of the Commissioners as such shall not exceed twenty-five dollars each per year: *Provided further*, that the Commissioners shall be empowered to consolidate the offices of Tax-collector and town Constable, and pay to such officer either a salary or commissions or both, in which latter event the commissions for the duty of tax-collecting shall not exceed five per cent. and the salary for the duties as Town Constable shall not exceed two hundred and fifty dollars.

SEC. 14. 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 fines or penalty or forfeiture which may have been imposed upon such person or persons for the violation of any ordinance, by-law or regulation of said town. And the said Commissioners shall have authority by their ordinances and by-laws to confine, control and manage such persons until the

Mayor a special court.  
Jurisdiction and powers as such.

Appeal

Precepts of mayor.  
When executed.

Authority to subpoena witnesses.

Mayor's docket.

Compensation of mayor and commissioners.

Maximum

Maximum salaries of commissioners.

Power to consolidate constable and tax-collector.

Compensation.

Power to work convicted persons on streets for failure to pay fine and cost.

Maximum term of confinement or labor.

Right to commit prisoners to lock-up or jail.

Mayor chief executive officer.

Powers of justices of peace conferred. Power to investigate officers.

To remove from office.

Proviso.

Powers of commissioners relative to streets.

Proceedings for condemnation of land for street purposes and assessment of damages.

Appeal.

Power to establish and enforce stock-law.

said fines and penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied under such rates for labor and board as the Commissioners may adopt: *Provided*, that such term of confinement or labor shall not exceed thirty days.

SEC. 15. That any town constable, policeman, watchman or other town officer arresting any person or persons for violation of any of the ordinances or by-laws of the town shall have the right to commit such person or persons to the lock-up or common jail of the town of Leaksville, or to the common jail of the county for as speedy a trial as possible and practicable.

SEC. 16. That the Mayor shall be the chief executive officer of said town, and as such is invested with the powers of a justice of the peace, and shall see that the duties of the various town officers are performed. He shall have power to investigate their acts, have access to all of the books and accounts of their offices, and may examine them and their subordinates on oath. He shall have power upon the approval of a majority of the town Commissioners to suspend or remove any officer of the town, whether he be elected or appointed, for any misconduct in office or neglect of duty, the charge to be particularly specified in the order of suspension or removal: *Provided*, that no such removal shall be made without reasonable notice to the officer complained of and an opportunity be afforded him to be heard in his defense.

SEC. 17. That the Commissioners shall have power to lay out, open and name any new street or streets within the town, whenever by them deemed necessary, and at any time to widen, enlarge, extend or discontinue any street or streets or any part thereof, and shall have full power and authority to condemn, appropriate and use any land or lands necessary for any of the purposes named in this section upon making a proper compensation to the owner or owners thereof. But in case the owner of the land and the Commissioners cannot agree to the amount of damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator then the Mayor shall in his stead select one for him, and in case the two chosen cannot agree they shall select an umpire, whose duty it shall be to examine the land, condemn 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 purpose specified, and all damages agreed upon or awarded shall be paid as other liabilities of this town: *Provided*, that either party may appeal to the Superior Court.

SEC. 18. That the Commissioners shall have power to declare all horses, cattle, dogs, goats, sheep or other animals running at large

within the corporation to be a nuisance, and the Commissioners may at their option impose a fine upon the owner of said animal running at large or may treat the same as a nuisance and have it abated.

SEC. 19. That the Commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same, or the owner or the tenant of the ground where the same may be; they may also prevent the establishment of, or regulate if allowed to be established, any slaughter-house or place or the exercise within the town of any and all offensive businesses, trades or employments.

SEC. 20. That the Board of Commissioners may provide water, take all proper means to prevent and extinguish fires, to cause due observance of the Sabbath, preserve the health of the town from contagious and infectious disease, to control and regulate the keeping of powder and other explosives within the town, to regulate the speed of riding and driving on the public streets, to keep or require the sidewalks to be kept free of all obstructions. The Commissioners may provide for the organization and equipment of fire companies.

SEC. 21. That the town of Leaksville is hereby vested with all powers, rights, privileges and immunities enumerated in chapter sixty-two of The Code of North Carolina, entitled towns and cities, not inconsistent with any of the provisions of this act.

SEC. 22. That the Commissioners, in order to raise a fund for the payment of out-standing debts and the current expenses incident to the proper government of the town, and all other expenses which they may by law be authorized to pay, may annually levy and collect the following taxes, to-wit: On each poll liable to pay a tax to the State a tax not in excess of one dollar and fifty cents; on the valuation of real estate a tax not in excess of one-half of one per cent.; on all personal property, moneys, solvent credits, stocks of any kind and joint stock companies a tax not in excess of one-half of one per cent.; on every auctioneer a tax not in excess of five dollars per year; on every bank, brokers or exchange office a tax not in excess of five dollars per year; on every butcher or baker or barber-shop a tax not in excess of five dollars per year; on every dealer in prize goods a tax not exceeding twenty-five dollars per year; on every saddle, harness or cabinet shop a tax not exceeding five dollars per year; on every bar-room a tax not less than one hundred and not exceeding five hundred dollars; on every billiard, pool or bagatelle table, kept to be used or played on by the public, whether a fee is charged or not, a tax not exceeding one hundred dollars per year; on every confectioner, commission or forwarding merchant, druggist, apothecary a tax not exceeding ten dollars per year; on every public dray or wagon a tax of not more than five dollars on two horses and three dollars on one horse; on every dealer in patent rights, peddlers or itinerant merchant a tax of not more than twenty-five dollars per

year; on every dog or bitch a tax of not more than two dollars per year; on every photographer taking likenesses or enlarging those already taken, by whatever process, a tax of not more than ten dollars per year; on every express company having an office and doing business in the town of Leaksville a tax of not more than fifty dollars per year; on every flying-jenny or merry-go-round, operated within a half-mile of the corporate limits, a tax not more than fifty dollars per year; on every hotel or boarding-house a tax not more than ten dollars per year; on every corn and cancer doctor or other person professing to effect cures of any nature, either upon the animal or human creation, by whatever name known, opticians, phrenologists, dancing-schools traveling agents or salesmen disposing of any goods or wares, merchandise or privileges of whatever name or description, not herein before enumerated and taxed, by whatever means, fraud or subterfuge the sale may be sought to be concealed, a tax not more than fifty dollars per year, to be paid before offering to do business; on every land agent, livery stable, lumber dealer, lumber-yard, merchant, grocer, vender of goods or wares of any description, manufacturer of tin, iron or copperware, manufacturer of plug, twist or other shapes of chewing tobacco, manufacturer of cigars, cigarettes or smoking tobacco, tan-yard mill, machine-shop, foundry or other manufactory not herein specially taxed, vender of periodicals or stationery job printing office, vender of watches, clocks, jewelry or repairer of the same, warehouse for the sale of leaf tobacco, every company, whether incorporated or not, having an office, resident agent or officer doing business within the town a tax of not more than ten dollars per year; on every public eating-house, restaurant or ice-cream saloon, soda-water or ice-cream manufacturer or vender, trader in leaf tobacco a tax not exceeding five dollars per year; on every railroad company a tax not more than one hundred dollars per year; on every telegraph and telephone office a tax of not more than fifty dollars per year; on every theatrical or stage-player, each person or company, fortune-teller, sleight-of-hand performance, minstrel troupe, instrumental, vocal, or concert company, exhibitions of natural or artificial curiosities, rope or wire dancer, circus or menagerie, for each day's performance within or within one mile of the corporate limits, whether exhibiting free of charge or otherwise, a tax not exceeding ten dollars; on every trade, calling, occupation or business, not hereinbefore named or taxed and which is now or may hereafter be taxable under the State law from time to time a tax not more than twenty-five dollars per year.

Tax-listing.

SEC. 23. *Be it further enacted*, That the citizens of Leaksville and others liable to be taxed on account of any of the foregoing subjects shall, on the first day of June of each year or within five days thereafter, render to the tax-lister on oath a list of their property and subjects for which they are liable to be taxed, and if any person

shall fail to render such list he shall pay double the tax assessed on any subject for which he is liable to be taxed, and further be deemed guilty of a misdemeanor, or and upon conviction thereof shall be punished by a fine of not more than fifty dollars or imprisonment not more than thirty days, at the discretion of the Mayor, who is hereby authorized to hear and determine such cases, subject to the right of appeal to the Superior Court.

Failure to list.

Penalties.

Appeal

SEC. 24. *Be it further enacted*, That as soon as the assessors shall have made their returns the board shall proceed to lay the taxes on such subjects of taxation as they may choose, and shall place the tax-list in the hands of the Tax-collector for collection, who shall complete the same on or before the first day of November next ensuing, and shall pay the moneys as they are collected to the Treasurer, bank or other person selected by the board to receive the same for them. Said tax-list shall be a lien on all property liable to taxation under this section.

Levy of taxes.

Collection of  
taxes  
To whom paid.Tax-list a lien on  
taxable property.

SEC. 25. *Be it further enacted*, That if any person subject to taxes under the foregoing sections shall fail to pay them within the time prescribed for collection then the collector shall proceed forthwith to collect the same under the same laws and provisions as are made for the collection of State and county taxes; *Provided*, that all subjects of taxation not required to be listed shall be collected by the town Tax-collector instantly, and if the same be not paid on demand it shall be collected by distraint of the articles upon which the tax is imposed or any other property of the owner may be distrained and sold to satisfy the same: *Provided*, that any person offering to do business upon which any tax is levied under this act shall be deemed to have made himself liable to the same, and in addition to the remedies herein given shall be deemed guilty of a misdemeanor and punished as provided for in section 23 of this act.

Power to enforce  
collection and  
payment of taxes.Proviso as to  
liability of person  
doing business on  
which tax levied.Guilty of misde-  
meanor.  
Penalty.

SEC. 26. *Be it further enacted*, That the general State law relative to the collection of county and State taxes by the sheriff, or so much thereof as is not in conflict with the provisions of this act, shall be applicable to the collection of taxes by the town of Leaksville.

General State law  
relative to collec-  
tion of taxes  
applicable

SEC. 27. *Be it further enacted*, That the Commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys; may establish and regulate public grounds and cemeteries within one mile of the corporate limits; may establish all public buildings necessary for the town and prevent the establishment of any or all wooden buildings in any part of the town wherein the judgment of the said Commissioners it would increase the danger either of the occurrence or spreading of fire. They may also require the owner of every house or building to keep on the premises a ladder not less than twenty feet long for use of the town in case of fire.

Duties of com-  
missioners.  
To keep clean and  
repair streets,  
sidewalks, etc.  
Establish public  
grounds and  
cemeteries.  
Establish public  
buildings.  
Prevent erection of  
wooden buildings.  
Require owner to  
keep ladder on  
premises.

Conflicting laws  
repealed.

SEC. 28. *Be it further enacted*, That all laws and clauses of laws coming in conflict with any of the provisions of this act are hereby repealed.

SEC. 29. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

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#### CHAPTER 184.

### AN ACT TO INCORPORATE THE THOMASVILLE AND ELDO- RADO RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Milton L. Jones, Arthur Jones, J. Reese Blair, Mott. P. Blair, James W. Jones, Miles McGehee, John M. Blair, Charles A. McGehee, R. Kent Blair, Charles T. Luther and Thomas M. Hall, their associates, successors and assigns be and they are hereby constituted a body politic and corporate under the name of the

Corporate name.

"Thomasville and Eldorado Railroad Company," and under that name and style they and their successors and assigns shall have

Corporate exist-  
ence.

Corporate powers.

succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this State or elsewhere; shall have a common seal, which it may use and alter at pleasure, and they, their successors and assigns, under the same corporate name and style shall have power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and objects of this corporation; they shall have power to make such by-laws and regulations for their own government and for the due and orderly conducting of their affairs and the management of their property as may be deemed necessary: *Provided*, the same shall not be inconsistent with the Constitution and laws of this State or of the United States.

Proviso.

Power to construct  
and operate  
railroad.

SEC. 2. That the said company be and it is hereby authorized and empowered to lay out, construct and equip, maintain and operate a railway in this State, with one or more tracks, which is to be commenced and extend on or from the Southern Railroad in from or near Thomasville, in Davidson county, or the Southern Railroad, to some point in Eldorado township, Montgomery county. The said company may, in its discretion, construct and operate any part of its

Location.

road before the whole thereof shall be completed, and may establish such gauge for said road as it may think proper.

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

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

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

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

SEC. 7. That any county, township, city or town in or through which the said railroad branches or lateral railroads may be located, or which is intersected in their construction, are respectively authorized and empowered to make such donations or subscriptions to the

Capital stock.

Increase thereof.

Shares.

Capital stock, how raised.

Books of subscription.

When authorized to organize.

Directors.

Term of office.

President and other officers.

Term of office. Vacancies, how filled.

Voting power of stock.

Time for holding stockholders' meetings.

Certificates of stock. Transfer of stock.

Adjacent counties, townships, cities or towns may donate to or subscribe to capital stock of said company.

Must be ratified by majority of qualified voters.

Provisions for submitting to qualified voters the question of subscription to capital stock or donation.

Form of ballots.

Election, when ordered.

New registration.

Election, how held if for county.

Returns.

Declaration and record of result.

Provisions for election, etc., in township.

capital stock of said company in such amounts as may be settled upon in the manner hereinafter stated: *Provided*, no donation or subscription shall be valid until the same has been ratified and approved by a majority of the qualified voters of said county, township, city or town, as hereinafter provided.

SEC. 8. That the Board of Commissioners of the several counties or the municipal authorities of such city or town through which said railway may pass or that are interested in its construction are respectively authorized, empowered and required upon the written petition of one-fifth of the qualified voters of said county, or upon the written petition of twenty of the qualified voters of any township in either of said counties, or upon the written petition of twenty of the qualified voters of any city or town in either of said counties, specifying the amount in which it is proposed said county or township, city or town to make a donation or subscription to the capital stock of said company, and praying that the question of donation or no donation of subscription or no subscription be submitted to the qualified voters of said county, township or city or town, to have submitted to the qualified voters of such county or township or city or town, the election of making a donation to said company, or of subscribing to its capital stock, as the case may be, the sum of money specified in said written petition at which election those in favor of such donation shall deposit a ballot upon which shall be written or printed the words "For Donation," and those opposed to such donation shall deposit a ballot on which shall be written or printed the words "Against Donation." But if the election be to authorize a subscription to the capital stock of said company, then those in favor of such subscription shall deposit a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall deposit a ballot on which shall be written or printed the words "Against Subscription." Such election shall be ordered within ten days after the filing of such written petition to take place at the expiration of forty days from date of the notice of election. That the said County Commissioners or municipal authorities, as the case may be, are hereby authorized and required to order a new registration of the qualified voters of said county, township, city or town for said election. Such election, when ordered, shall be held, if for a county, according to the laws and regulations provided for the election of members of the General Assembly, and the returns shall be made to and canvassed by the Board of County Commissioners on the Thursday next after said elections, who shall ascertain and declare the result and make a record of the same. If the election shall be held in a township the registrars and judges of election shall, on the Thursday next after said election, make returns to the Board of County Commissioners who shall canvass the same and ascertain and declare the result and



record the same. If the election shall be held for a city or town it shall be conducted as elections for municipal officers, and the Mayor and Aldermen or other proper officers or municipal authorities, upon the registrars and the judges of said election making returns of said election on the Thursday next after said election, shall ascertain and declare the result and make record of the same.

Provisions for election, etc., in city or town.

SEC. 9. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for donation or subscription, as the case may be, the chairman of the Board of County Commissioners in all cases of county or township elections or the proper municipal authorities in case of city or town election, shall be authorized and required to donate or subscribe to the capital stock of said company in behalf of said county, township, city or town, as the case may be, the sum which may have been moved in said petition, which donation or subscription shall be made within twenty days after the ascertainment of the result of the vote in coupon bonds bearing interest as aforesaid at six per cent. per annum, payable on the first day of January in each year by the Treasurer of the county; in case of county or township donation or subscription in which said county or township is situated, or in case of city or town making said donation or subscription by the Treasurer or other proper municipal officer of said city or town for the full sum donated or subscribed by said county, township, city or town, and all tax levied for the purpose of raising funds to pay said bonds or the interest shall be made upon the polls and taxable property in such counties, townships, cities or towns. Said bonds shall express on their face by what authority and for what purpose they were issued. They and the coupons shall in case of county or township donation or subscription be signed by the chairman of the Board of County Commissioners in which said town or township is situated. And in case of said city or town donation or subscription, bonds and the coupons shall be signed by the Mayor and Board of Aldermen of said city or town or other proper municipal officer, and countersigned by the Clerk of the Superior Court of the county in which is situated the said county, township, city or town, and said bonds shall be sealed with the seal of office of said Superior Court Clerk and also by the seal of the said county, township, city or town, if they have a common seal, and shall be payable in thirty years after the first day of January next after they are issued, and may be redeemed at any time after the expiration of five years from the date of their issue.

If authorized by majority of qualified voters, donation or subscription to be made and bonds to be issued.

When made.

Interest.

Taxes for payment of interest and bonds.

Execution of bonds

Maturity.

Power to redeem.

SEC. 10. That to provide for the payment of interest on said bonds and their redemption at or before maturity the Board of County Commissioners aforesaid or the municipal authorities of any city or town donating or subscribing shall, in addition to all other taxes,

Commissioners or authorities to levy special tax

Special tax to pay interest and provide sinking fund.	each year compute and levy on all property and polls of any such county, township, city or town as may make a donation or subscription of bonds to the said company a sufficient tax to pay said interest as it falls due, and also to provide a sinking fund sufficient to pay the principal of said bonds at their maturity, which amount shall annually be collected as other taxes and paid to the County Treasurer
How collected and disposed of.	or other proper officer of said county, city or town authorized by law to perform the duties of Treasurer or Commissioner of Sinking Fund, and by him to be invested in said bonds, which shall be cancelled by the County Commissioners or the municipal authorities of the city or town, as the case may be. If such investment cannot be made in the said bonds then the moneys belonging to the sinking fund shall be invested as the proper authorities may direct.
Investment of sinking fund.	
Counties, townships, etc., interested in construction of road created bodies politic and corporate.	SEC. 11. That for the purposes of this act all the counties, townships, cities or towns through any portion of which the said railroad may pass, or along or near its lines, or at any terminal point thereof, or at or near the line of its extensions, its branches, lateral or connecting roads, or at their terminal points, or which may be interested in its construction, are hereby declared to be bodies politic and corporate and are vested with all the necessary authority and powers to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or cause of action growing out of the provisions of this act and shall have the power and authority by a vote of the majority of the qualified voters of the county, township, city or town to make a donation to said company in bonds, money or its equivalent in real or personal property, or a subscription to its capital stock. The County Commissioners of the respective counties in which are situated the respective townships donating or subscribing are declared to be the corporate agents of the townships as incorporated and situated within the limits of the said counties respectively.
Powers, rights, liabilities, etc.	
Corporate agents of townships.	
Representation of subscribing counties, etc., in stockholders' meetings.	SEC. 12. That in all conventions of the stockholders of said company, such counties, townships, cities and towns as may subscribe to the capital stock shall be represented by one delegate to be appointed for such purpose by the corporate authorities of such cities or towns, or by the County Commissioners of the respective counties.
Right of eminent domain.	SEC. 13. That said company shall have the right to have land condemned for right of way and for necessary warehouses and other buildings, according to existing laws, that the right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-beds along the main track and its branches, measuring from the centre of the same. And shall have full power and authority to sell or lease its road-bed, property and franchises to any other corporation or person and to purchase or lease and hold the bonds or stock of any other railway in the State, or to consolidate with any connecting line of railway.
Limit.	
Power to sell, lease, purchase, etc.	

SEC. 14. That the said railway company shall have the right to construct its railroad across other railroads and other roads at convenient points in such way as to do the least damage and occasion the least inconvenience.

Right to cross other railroads and roads.

SEC. 15. That for the purpose of constructing said road the said company shall have power to consolidate with any railroad company and consolidate the assets of any and all such companies for the above-mentioned or other lawful and legitimate purposes, and have power to accept donations in bonds or money, gifts or property, real or personal, to its capital stock.

Power to consolidate and accept donations.

SEC. 16. That said company shall have the right and authority to borrow money and to make, to issue, negotiate and sell its bonds in such sums and to such amount, not exceeding three thousand dollars for every mile of said railway in operation, as to the directors may seem expedient; and said bonds shall bear interest at the rate of six per cent. per annum, and shall be payable at such times and places as the board of directors may determine; and the said company shall have power to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds of trust on its property, estate, rights and franchises, including its road-bed, superstructures and real and personal estate of whatever kind, on such terms and to such trustee or trustees as the board of directors may think proper; and said mortgage or deed of trust, when duly registered, shall have precedent over all other liens on said property.

Borrowing money.

Sale of bonds, restriction of amount.

Interest.

Security for payment.

SEC. 17. That the directors, corporators and stockholders of said company, their successors and assigns shall not be individually or personally liable or responsible for the acts, debts, liabilities, contracts, engagements, defaults, commissions or torts of the company or for any claims, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the company; and no stockholder shall be liable to pay for more stock than he or she subscribes for.

Individual liability of stockholders, etc.

SEC. 18. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

CHAPTER 185.

AN ACT TO INCORPORATE THE GREENVILLE BANKING AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That R. J. Cobb, Julian Jordan, Oia Forbes, W. M. Smith, L. A. Cobb and L. I. Moore, and their associates, successors and assigns, be and they are hereby constituted a body
Corporate name.	corporate by the name of "The Greenville Banking and Trust
Corporate powers.	Company," by which name said corporation shall sue and be sued, plead and be impleaded in any of the courts of this State, and shall have power to adopt a common seal and shall have all franchises, rights and privileges incident to a corporation.
Capital stock.	SEC. 2. The capital stock of said company shall not be less than
Increase of Capital stock.	ten thousand dollars, but may be increased from time to time to
Shares.	one hundred thousand dollars, in shares of one hundred dollars each, to be paid in as follows: Twenty-five per centum of each share subscribed shall be paid in cash before the commencement of the business of banking, and the remainder thereafter as may be deemed expedient, till the par value of each share subscribed is paid.
Place of business.	SEC. 3. The office and place of business of said banking company shall be in the town of Greenville, State of North Carolina, and its officers shall consist of a president, vice-president, cashier and teller, and a board of not less than five nor more than thirteen
Officers.	directors, who are to be elected annually by the stockholders; the directors so elected to choose the officers aforesaid, and shall require the cashier and teller each to give bond with approved security for the faithful performance of their respective duties.
Director-, how elected.	SEC. 4. It shall be the duty of the Board of Directors, and they are hereby fully empowered, to make rules, regulations and by-laws for the government of the said corporation and for the conduct of its business; also, to fix the salaries of its officers, and to fill vacancies on the Board of Directors; said Board of Directors shall be chosen by a majority of the corporators named herein and their associates at the first meeting to be called by them, and shall hold office for one year.
Officers, how elected.	
Bonds of cashier and teller.	
Duties of Board of Directors.	
Directors, how chosen.	SEC. 5. That said company shall have a right to do a general banking business; to receive deposits; to make loans and discounts; to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgages, pledges, deed or otherwise, or lands, hereditaments, or personal property, or interest therein of any descrip-
Term of office.	
Corporate purposes.	
General Banking business.	

tion, situate anywhere; to lend money upon, or purchase, or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crop or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise to dispose of, and to charge any rate of interest on all such loans not exceeding the rate now allowed by law.

SEC. 6. That said corporation shall have the right to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and *femes covert*, or other persons, on such terms and time and manner of collection and payment as may be prescribed by this charter, or by the by-laws, or as may be agreed on by the parties; and for the use and loan of money may charge not exceeding six per centum per annum, and may take and receive said interest at the time of making said loan or otherwise, free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other State or Territory, or of the United States, or of any corporation organized under the laws of this or any other State or Territory, or of the United States; and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced, or expended, as may be considered safe, expedient and beneficial.

Powers pertaining to banking business.

SEC. 7. That said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver and paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds, notes, evidences of debt, deeds, muniments of title, or any other valuable papers of any kind, or any other article or thing whatsoever, which may be left or deposited for safe keeping with said company, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe keeping thereof may construct, erect and purchase such fire and burglar-proof building, vaults, iron or composition safes, or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe keeping and preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital or funds as may be deposited with said company for that purpose, from time to time, in such stocks, bonds and securities as may be regarded advantageous and desirable; they shall have power to receive and hold on deposit, and in trust, and as security, estate, real, per-

Special deposits for safe keeping.

Power to invest capital stock or deposits.

sonal and mixed, including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them.

Power to execute trusts.

SEC. 8. That said corporation shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to them, with their consent, by any person or persons whomsoever, corporations, or by any court in this or any other State or Territory, or of the United States, and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases.

May receive deposits of personal representatives, fiduciaries or public officers.

SEC. 9. That any executor, administrator, guardian, receiver or other trustee or public officer having the care, custody or control of any bonds, stocks, securities, moneys or other valuable things whatsoever, shall be and is hereby authorized and empowered to deposit the same generally or specially with said company.

Savings bank business.

SEC. 10. This company is especially invested with the powers and privileges usually incident to savings banks, and may receive deposits in very small sums, the limit to be fixed by its Board of Directors, and may pay interest thereon by way of dividends out of the net earnings, or at fixed rates, according as may be agreed between the company and its depositors, and the Board of Directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank features of this corporation.

Corporate powers.

SEC. 11. The said company may loan money on mortgage or deed of trust, conveying real or personal property, or on other security; may buy and sell real estate, stocks, bonds and other security; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said company fails to meet his obligations, it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and in case of sale of either real or personal security, make title to the purchaser.

May act as agent, factor or trustee.

SEC. 12. 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 stocks, or any description of property, real or personal, or for guarantee-

ing the payment of such bonds, certificates of stock, *et cetera*, 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. 13. Whenever any real or personal property, upon which the company may have a lien of any kind, shall be exposed to sale under authority of law, the president of this company may purchase the same for and on behalf of the company, and such purchase, though made at a sale by the company as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

May purchase and hold real estate sold as security.

SEC. 14. The company may pay to its depositors who allow their deposits to remain three months or more such rate of interest as the directors may agree upon, said interest to be computed annually and added to the principal as a deposit, unless the deposit be wholly withdrawn earlier, in which case, if it has been in the company's hands three months or longer, interest shall be computed and paid up to date of withdrawal. But it shall be in the power of the directors to alter this section at their will, so as to reduce the time required for deposits to be on hand before interest begins, and so as to make the computation and addition of interest to deposit monthly, quarterly or semi-annually, as they see fit, and as often as they please.

Time deposits.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 186.

### AN ACT TO CHANGE THE NAME OF THE TOWN OF SAUL'S CROSS ROADS TO EUREKA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Saul's Cross Roads, in the county of Wayne, be and the same is hereby amended so as to make the name of said town Eureka.

Name of Saul's Cross Roads, Wayne County, changed to Eureka.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 187.

## AN ACT TO PROVIDE FOR THE PUBLIC SCHOOLS IN THE CITY OF BURLINGTON, ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Power to sell and convey present school-houses and sites and purchase and erect others.

SECTION 1. That the school committee of the city of Burlington, in Alamance County, appointed by the Board of Aldermen of said city, under authority of section seventy-six (76) of chapter seven hundred and thirty-two (732), Public Laws of 1899, shall have power to sell and convey in fee the public school-houses and their sites in said city, and with the proceeds, supplemented by so much of the fund raised by special taxes under aforesaid chapter and section of Public Laws of 1899, as may be necessary to buy sites, taking title in fee to themselves and their successors, and erect thereon such houses as they may deem necessary for the use and accommodation of the public schools of said city.

Burlington one school district for each race.

SEC. 2. That the said city of Burlington shall be and constitute one school district for the white race and one school district for the colored race.

Control of public school.

SEC. 3. That the public schools of said city shall be under the sole control of the school committee appointed under authority of above-named chapter and section of Public Laws of 1899 and their successors.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 188.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT PLEASANT, CABARRUS COUNTY.

*The General Assembly of North Carolina do enact:*

Chapter 77, Private Laws 1883, amended.

SECTION 1. That chapter 77, Private Laws of 1883, be and the same is hereby amended as follows: Strike out all of section one of said chapter after the words "to-wit" in line eleven (the entire remainder of said section), and insert in lieu thereof the following: "Beginning at iron stake in the center of the cross street between the W. R. Kindly Cotton Mill Store and C. G. Heilig's store, which has a bearing of north 10 and 1-4 degrees

Corporate limits.



240 links, from center of an elm 12 inches in diameter that stands northeast of the said W. R. Kindly Cotton Mill Store; also, south 60 and 1-2 degrees west 47 links from center of an elm ten inches in diameter that stands southwest from said Heilig's store, and runs an inside line south 60 and 1-4 degrees east 52 and 3-4 poles to an iron stake, W. J. Moose's corner; then S. 77 and 1-2 degrees, E. 164 poles to a stake in cross roads, Mrs. M. R. Barrier's corner; then S. 52 degrees W. 158 poles to a stone, Tuscarora Cotton Mills' corner; then N. 86 and 1-2 W. 84 poles to a white flint rock on the west side of the public road leading to Monroe, N. C., A. W. Moose's corner; then due west 90 poles to a pile of stones by A. W. O.; then N. 4 and 3-4 degrees W. 239 poles to a large pine on the north side of the public road leading to Concord, N. C.; then due N. 54 and 1-2 poles to a stone pile one pole north of a ditch; then N. 44 and 1-4 E. 178 poles to the center of the east door of public school-house; then E. 87 poles to a hickory N. E. of W. G. Barrenger's residence; then S. 14 and 3-4 degrees E. 283 poles to a large cedar, Ad. Kindly and Reedville corner; then with Kindly and Reedville line S. 65 E. 60 poles to a stone in a road, said Mrs. W. R. Barrier's corner; then with her and Reedville line S. 15 and 3-4 degrees W. 34 poles to the beginning, containing 619 and 3-4 acres.

SEC. 2. That all laws and clauses of laws in conflict with the above are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after the first day of December, A. D. 1902. When effective.

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

#### CHAPTER 189.

### AN ACT TO AUTHORIZE THE TOWN OF KINSTON TO ISSUE SCHOOL BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the town of Kinston be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of twenty thousand dollars (\$20,000), and in denominations of not less than twenty-five dollars (\$25.00), nor more than one thousand dollars (\$1,000.00), bearing interest from date of bonds at a rate not to exceed six per centum per annum, and payable semi-annually on the first day of January and the first day of July of each year, until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the Board of Aldermen of Kinston authorized to issue bonds. Amount, Denominations, Interest.

Maturity. Proviso.	men and named therein, not to be less than three nor more than thirty years from date thereof: <i>Provided, however,</i> that the said Board of Aldermen of the town of Kinston may divide such bonds into classes, as they may determine best, and have them mature at different convenient dates between the limits aforesaid. It is further enacted that said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of the town of Kinston and countersigned by the clerk of the Board of Aldermen of said town, and have the corporate seal of said town affixed thereto, and the coupons thereto attached shall be signed by the Mayor of said town and countersigned by said clerk; that a record shall be kept of the said bonds showing the numbers and denominations thereof, and to whom sold, the dates of issuing thereof and when the same will mature, and the interest bearing rate thereof, and the amount received from the sale of the same, and the date of paying the proceeds, into the Treasury of said town, and such other data in relation to the same as the Board of Aldermen may direct to be kept.
To be numbered. How executed.	
Record to be kept.	
Sale price. Treasurer to secure proceeds.	SEC. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the Treasurer of the town shall receive all such moneys paid in the purchase of the bonds in his official capacity as Treasurer of said town, and he and the sureties on his official bond shall be liable to account for and pay over the same as is provided in this act or may be provided otherwise by the laws relating to the Treasurer of the said town of Kinston, and it shall be the duty of the said Board of Aldermen of the town of Kinston to see to it that the bond of the said Treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said Treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as Treasurer.
Official bond liable.	
Duties of aldermen relative to treasurer's bond.	
Treasurer to keep separate account from other funds.	SEC. 3. That the Treasurer of the town of Kinston shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds and the same shall be expended by the Board of Trustees of the graded schools of Kinston, Lenoir County (the body corporate created by and existing under chapter ninety-six, laws of one thousand nine hundred and ninety-nine, entitled "An act to create graded schools in the town of Kinston, North Carolina"), and said money shall be expended in the purchase of lands in the town of Kinston, if necessary, and the erection thereon of suitable buildings (as the said trustees may deem best), and furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Kinston and
How expended.	

for other purposes as the said Board of Trustees may order the same to be disbursed: *Provided, however,* this act shall be submitted to the qualified voters of the town of Kinston for their ratification at an election to be held on the first Monday in May, 1901; the said election shall be advertised by the said Board of Aldermen of the town of Kinston, for thirty days prior to the day of election, in one or more newspapers published in said town, and said election shall be held under the supervision of inspectors and poll holders, or judges of election appointed for the purpose of holding and conducting the election of Mayor and Aldermen for said town on the first Monday in May, 1901, and the returns of the result of said election shall be made and certified in like manner as all other elections in said town, and in like manner the returns of said election and the result thereof be canvassed by the said Board of Aldermen and the result declared. At the said election those who are in favor of issuing said bonds shall vote "For School Bonds," and those opposed shall vote "Against School Bonds," on written or printed ballots; that the number of the ballots cast for and against the said bonds and deposited in the said box provided for that purpose, shall be counted and the result of the said election certified and returned to the said Board of Aldermen of the town of Kinston, and the same when canvassed and declared as aforesaid shall be enrolled on the minutes of the said Board of Aldermen of said town. If at the said election a majority of the qualified voters of the said town of Kinston do not vote "For School Bonds," then this act shall be thereafter of no force and effect, but if at the said election the ballots cast "For School Bonds" shall be a majority of the votes cast, and also a majority of all the qualified voters of the town of Kinston, then the said Board of Aldermen of the town of Kinston shall proceed at once to issue and sell the bonds, or as many thereof as shall be necessary in the judgment and discretion of the said Board of Trustees of the graded schools of Kinston, in Lenoir County, for the purposes aforesaid.

SEC. 4. In order to create a sinking fund to pay the principal of said bonds, and any and all other bonds of the town of Kinston heretofore issued, or which may be issued by the town of Kinston, at maturity, beginning ten years after the ratification of this act, the Board of Aldermen of the town of Kinston shall annually levy and collect a special tax of not exceeding the sum of fifteen cents on every hundred dollars worth of taxable property in said town and forty-five cents on each poll, observing the equation of taxation between property and polls fixed by the Constitution for the purpose of State and county taxation; and the money paid into the said Town Treasury received from the taxes under this act shall be set apart and applied to the payment of

Act to be submitted to qualified voters.  
Election, when held.

How advertised.

Poll holders or judges.

Returns, how made and certified.

Result canvassed and declared.

Form of ballots.

Result canvassed, declared and enrolled.

If authorized, aldermen to issue bonds.

Sinking Fund.

Special tax.

Application of funds from special tax. Management and control thereof. the bonded indebtedness of said town as it shall become due; and that all taxes collected for the purposes specified in this section shall be under the control and management of the Board of Aldermen of the town of Kinston.

Trustees, their duties. SEC. 5. The Board of Aldermen of the town of Kinston may, if in their opinion at any time it becomes necessary or advisable, appoint one or more trustees, whose duty it shall be to receive from the Tax Collector of the town of Kinston all taxes collected under this act for the purpose of creating a sinking fund to pay the principal of said bonds at maturity; and the said Board of Aldermen may prescribe the duty of said trustee or trustees, fix the amount of his or their compensation, and the bond for the faithful performance of the duty or duties on his or their part. It shall be the duty of said trustee or trustees to invest or lend the money coming into his or their hands for the purpose of creating a sinking fund in safe securities, or upon real estate situated in the town of Kinston.

Compensation and bond. Investment of sinking fund. SEC. 6. The Treasurer shall be allowed such compensation for his services for the collection and disbursements under this act as may be allowed and fixed by the trustees of the graded schools of Kinston.

Compensation of treasurer. SEC. 7. This act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 1st day of March. A. D. 1901.

#### CHAPTER 190.

### AN ACT TO INCORPORATE THE FARMERS BANK, OF LAGRANGE.

*The General Assembly of North Carolina do enact:*

Incorporators. SECTION 1. That J. M. Hadley, J. M. Hodges, D. W. Patrick, H. E. Dillion, Shade I. Wooten, H. M. McDonald, C. P. Barrow, Jas. A. Bryan, C. E. Fay, Simeon Wooten, R. M. Harper, R. B. Kinsey, Shade Wooten, and their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of the "Farmers Bank of LaGrange," with its principal and general place of business at LaGrange, in the county of Lenoir, State of North Carolina, and by that name

Corporate name. may sue and be sued, plead and be impleaded in any Court in the State, and have a continual succession for the term of thirty years, and that it shall have all the powers, rights and privi-

Corporate powers.

leges and immunities given and granted to any bank or banking institution by the laws of the State of North Carolina.

SEC. 2. That the capital stock shall be not less than ten thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not to exceed one hundred thousand dollars. Capital stock.

SEC. 3. That the corporators named in section one, or any three of them, are hereby authorized and empowered to open books of subscription to the capital stock of said corporation at such times and places as they may determine, and after the organization of said corporation as hereinafter provided the stockholders thereof, or a majority of them in value of stock of said corporation, at any meeting of said stockholders may reopen books of subscription to said capital stock until the full amount as herein allowed shall have been taken. Subscription books.

SEC. 4. Whenever ten thousand dollars shall be subscribed and paid in for the capital stock of said corporation, the said corporators mentioned in section one, or any three of them may call a meeting of the subscribers to said stock at such time and place as they may appoint, and upon such notice as they may deem sufficient, and at such meeting said subscribers to said stock, or a majority of them, shall proceed to organize the said corporation and shall elect such directors as they may deem proper and sufficient, who shall hold their offices as such directors until the next regular annual meeting of said stockholders and until their successors are elected, with power to said directors to fill all vacancies which may occur in the office of director until the next election for directors is held, and said stockholders shall have the right and power at any general meeting to increase or reduce the number of directors of said corporation and said stockholders shall have the right and power to make and adopt such by-laws and regulations as they may desire in regard to said corporation. When may organize.  
  
Directors.  
  
Power to fill vacancies.  
  
Power to make by-laws.

SEC. 5. That said directors elected as aforesaid, shall elect one of their number president, and said president and directors may elect a vice-president, cashier, teller and such other officers as may be necessary for said corporation, all of said officers to hold their offices subject to be removed by the president and directors. Directors to elect president.

SEC. 6. That the business and affairs of said corporation shall be carried on and conducted by said president and directors, who shall adopt a common seal for said corporation, make and appoint all necessary officers and agents and fix their salaries, and shall exercise and have all such powers and authority as may be necessary for governing and conducting the business and affairs of the corporation, consistent with such by-laws, rules and regulations as may be adopted by the stockholders. Powers of president and directors.

Annual meeting  
of stockholders.

SEC. 7. That there shall be a meeting of said stockholders on the first Wednesday in January in each year, and meetings of said stockholders may be called at any time by the president at the request of any three of said stockholders, or by a majority in values of said stockholders said meetings to be called on a notice of ten days mailed to each of said stockholders, the time and place of such meeting to be stated in said notice.

May issue and  
circulate bank  
currency.

SEC. 8. That said corporation may receive and pay out all lawful currency, with full power of circulating currency of its own issue under all rights and powers and authority, and under such restrictions as may be imposed by the laws of North Carolina and of the United States as to circulation by State banks; deal in exchange, gold and silver coin, current and uncurrent paper, public and other securities; and for the purpose of aiding planters, miners, manufacturers, and others, said corporation shall and may have power and right to loan any sum or sums of money, and to secure the repayment of the same by taking in writing a lien or liens upon crop to be raised, or upon any article or articles of property, and shall [have] full right and power to make loans upon mortgages of real estate and personal property, with powers of sale therein upon default of payment; and in case of failure of purchasers at sales under said powers to purchase the property sold at such sales or any part thereof, and the title to said property so sold and purchased by the corporation shall be valid and binding to said corporation in all respects; said corporations shall also have the right and power to receive, in storage or warehouse, any cotton, tobacco, wheat, corn, potatoes, rice, oats, or any other article of produce, trade or manufacture, as a pledge or pledges for the repayment of money or moneys loaned or advanced upon the faith of such pledge or pledges, and upon the failure to pay or redeem such pledge or pledges said property may be sold by said corporation after an advertisement of ten days; said corporation shall have also full right and power to discount notes and other evidence of debt, buy or sell and otherwise deal in all commercial paper of every kind, may loan money to and receive deposits of the same from any and all persons, including corporations, minors and *femes covert* upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as is allowed by the laws of North Carolina, and may take and receive such interest at the time of making such loan, or at such times as may be agreed upon, also to invest in stock, bonds or other securities of this State, the United States, or any corporation, public or private, of this State, or any other State of the United States, and also to issue its own bonds in such amounts and denominations and payable at such times and manner as it may see fit.

General powers,  
rights, privileges  
and duties  
defined.

SEC. 9. The said corporation may purchase and hold property, real, personal or mixed, and may have and hold all property which may be conveyed to it to secure or 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.

May purchase and hold real and personal property.

SEC. 10. That whenever any deposit shall be made with said corporation by any minor or *feme covert*, said corporation may pay to such minor or *feme covert*, or to such persons or persons, as such minor or *feme covert* may direct by check or otherwise, such sums or sums of money from such deposits as such minor or *feme covert* such minor or *feme covert* shall be valid in law to discharge said corporation from any and all liability on account of such deposit.

Regulations as to deposits of minors and *femes covert*.

SEC. 11. If any subscriber shall fail to pay the full amount of his subscription for capital stock of the corporation when required to do so by the corporation, the same may be recovered in the name of the corporation by civil action, either in the county of the said subscriber or in the county in which the corporation has its principal office, or the said corporation may sell the said stock so subscribed for at public auction after ten days' notice, said notice to be posted at the court-house in Kinston and at the principal office of the corporation, and said sale to be either at said court-house or the said principal office of the corporation, and if the net proceeds of such sale shall not be sufficient to pay said subscription in full, the delinquent shall be liable to the corporation for the balance of the amount of such subscription after the proceeds of such sale shall have been applied thereto, and said corporation shall have a lien on the capital stock of said corporation of each subscriber therefor for the full amount of the subscription therefor.

Unpaid subscription to capital stock, how collected.

SEC. 12. That said corporation is authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, plate, certificates of stock, bonds, evidences of indebtedness, instruments of title, and all other things of value, which may be placed with said corporation for safe keeping and to charge compensation or commissions for keeping the same.

May receive valuables on deposit and charge for keeping same.

SEC. 13. The stockholders of said corporation shall not be individually liable for the debts, contracts or engagements of said corporation.

Stockholders' liability.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1901.

## CHAPTER 191.

## AN ACT TO INCORPORATE THE FRENCH BROAD POWER COMPANY.

*The General Assembly of North Carolina do enact:*

French Broad  
Power Company  
incorporated.

SECTION 1. That a company may be formed as hereinafter, directed, and when so formed shall be a body politic and corporate, under the name and style of the "French Broad Power Company," for the term of ninety-nine years, with the usual powers of succession and renewal.

Capital stock.

SEC. 2. The capital stock of said corporation shall be twenty-five thousand dollars (\$25,000.00), but the stockholders may from time to time at any regular or called meeting, increase the capital stock to an amount not exceeding five hundred thousand dollars, and said capital stock shall be divided into shares of one hundred (\$100.00) dollars each.

Corporate powers  
and privileges.

SEC. 3. The said corporation under its said corporate name and style shall have power to buy, hire, lease or by mortgage or any other lawful means acquire from other corporations or persons, or sell, hire, lease, mortgage or in any other lawful manner dispose of real or personal property or any interest therein; and may contract and be contracted with, sue and be sued, plead and be impleaded, have a common seal, which may be changed at the pleasure of the stockholders, and shall have all such other rights, privileges, power and immunities as other corporations of like nature in the State may enjoy. And said corporation shall

May purchase,  
build and main-  
tain power plants.

have the power to purchase, build and maintain power plants and develop power by means of water, steam, gas, electricity or any other means; to lease and sell power to other corporations and persons, and to use power in conducting its own business; to conduct, operate and maintain mills for the manufacture of all kinds of yarns, and cloths and all other products of cotton, hemp or wools; to build and operate dye houses, machine shops and merchandise stores, and to buy and sell all kinds of merchandise and to do or cause to be done all things advantageous and incidental to the conduct and operation of the business of manufacturing, buying and selling of cotton, wool or hemp or other materials which may enter into the manufacture of threads, yarns, carpets or cloths of whatsoever kind or description; to build, maintain and operate one or more plants, at one or more places for making electricity; to construct, maintain and operate either above or under ground suitable wire conductors or rods for the purpose of conducting or transmitting electricity to any city or town in the State in order to furnish light to such city or town

Mills for manu-  
facture of yarns,  
etc.

May build and  
operate electric  
plants.



or the inhabitants thereof, or power to other persons and corporations for any purpose for which electricity may be used; to manufacture, produce, lease and sell light, heat and power made from or by the use of electricity, steam, water, gas or other materials or combinations of materials; to purchase, build, own and operate flouring mills and grist mills for grinding wheat, corn and other grains, or for grinding all materials out of which food for live stock may be made or improved; and to purchase and build, own and operate foundries and machine shops for manufacturing machinery, tools and implements of every kind, and to carry on any and all kinds of business calculated to increase the uses of or the demand for the power which the corporation may develop or own.

May build and operate flouring mills, etc.

SEC. 4. The business and affairs of said corporation shall be managed and controlled by a board of directors elected by the stockholders and a president, to be chosen by the stockholders from the members of the Board of Directors, and such other officers, agents and employees as the stockholders or Board of Directors may authorize to act for the company. The stockholders shall have power at any regular or called meeting to adopt, alter or amend by-laws for the government of the company, its officers, agents and employees not inconsistent with the laws of the State; and the time of the regular meeting of the stockholders and the manner of calling a meeting shall be prescribed by the by-laws, but the first meeting of the stockholders may be called by any one of the subscribers to the capital stock at any time after one-fifth of the capital stock has been subscribed, upon three days' notice to all of the said subscribers of the time and place of such meeting or without notice with the consent of all the subscribers. No stockholder shall be liable to the creditors of the company to an amount greater than the amount due and unpaid on the stock held by them.

Board of Directors,  
Powers and duties.

Stockholders' individual liability.

SEC. 5. W. W. Bernard, shall, within ten days after the ratification of this act open books of subscription to the capital stock of said company; or in case of his death, or refusal or failure to act within the time prescribed, such books of subscription shall be opened by such person as the Clerk of the Superior Court of Buncombe County may appoint for the purpose within ten days after the date of such appointment, and said company may organize and enter upon the enjoyment of the rights and privileges hereby granted, whenever *bona fide* solvent subscriptions have been made to one-fifth of the capital stock.

W. W. Bernard to open books of subscription.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

## CHAPTER 192.

## AN ACT TO AMEND CHAPTER 26, PRIVATE LAWS 1891.

*The General Assembly of North Carolina do enact:*

Chapter 26, section 21, Private Laws 1891, amended and added to.

Powers of mayor to sentence to work on roads.

SECTION 1. That chapter 26, section 21, Private Laws 1891, be amended by adding to said section the following: "Or may be sentenced by said Mayor to work on the public roads in Wadesboro Township not exceeding thirty days."

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

## CHAPTER 193.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF LITTLETON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Section 6, of Chapter 171, Laws of 1893, stricken out and new section substituted.

Town Board of Elections for Littleton.

Terms of office.

To be biennially elected by the General Assembly.

Board to appoint three judges or inspectors of election on first Monday in April, 1901, and annually thereafter.

Duties of judges or inspectors.

Authority to administer oaths.

SECTION 1. That section 6 of chapter one hundred and seventy-one, of the Laws of 1893, shall be stricken out and the following substituted in its place: "That there shall be a town board of elections consisting of three discreet persons, who shall be electors of the town of Littleton, and elected by the General Assembly at its present session, and whose term of office shall continue until the next regular meeting of the General Assembly, in the year nineteen hundred and three, and until their successors are elected and qualified, and the Legislature shall biennially at its regular sessions thereafter elect three such discreet persons to constitute said town board, and the said board shall in the year nineteen hundred and one, on the first Monday in April, and annually thereafter, appoint three 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 succeeding, and the polls shall be open at such places as said board and judges shall designate. Said elections shall be held as near as may be agreeable to the provisions of the law of this State under the same rules and regulations and penalties governing general elections, and said judges of election and registrar shall have authority to administer oaths, and shall have all the powers of such officers appointed under the laws governing the general elections in the State of North Carolina.

SEC. 2. That section four of chapter one hundred and seventy-one, of the Private Laws of 1893, be and is hereby stricken out and in its place the following substituted: "That the Board of elections of the town of Littleton, above provided for, shall on the first Monday in March, nineteen hundred and one, and annually thereafter elect a registrar of voters of the said town of Littleton, and shall cause publication thereof to be made at four public places in said town, and notice to be served on such persons by the Chief of Police, and said registrar shall give ten days' public notice by posting at four public places in said town specifying the time and the place of registration.

Section 4, Chapter 171, Private Laws 1893, stricken out and new section substituted.

Election board to elect a registrar first Monday in March, 1901, and annually thereafter.

Registrar to give public notice of time and place of registration.

SEC. 3. That L. Vinson, W. A. Johnston and J. H. Bobbitt, are hereby elected to be the members of said Board of Election, and shall continue in office until the next regular meeting of the General Assembly in the year nineteen hundred and three, and until their successors are qualified.

L. Vinson, W. A. Johnston and J. H. Bobbit elected as board of elections.

Term of office.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

#### CHAPTER 194.

### AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF SHELBY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Shelby shall be and continue, as they have heretofore been, a body politic and corporate, and henceforth the said corporation shall bear the name and style of Town of Shelby, and under that name is hereby invested with all the property and rights of property which now belong to the present corporation of the town of Shelby, of the Board of Commissioners of the town of Shelby, or any other corporate name or names heretofore used, and by the corporate name of the town of Shelby may purchase and hold for purposes of its government all such property and estate, real and personal, within and without said town, 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 same as shall be deemed advisable by the proper authorities of said corporation, and in its corporate name may contract and be contracted with, sue and be sued, and said

Inhabitants of Shelby a body politic and corporate.

Corporate name.

Former rights confirmed and reinvested.

Rights to purchase and hold property for municipal purposes.

May contract and be contracted with, etc.

town of Shelby is hereby invested with all other rights and powers necessary or usually pertaining to municipal corporations.

Corporate limits defined and located.

SEC. 2. That the corporate limits of the said town of Shelby shall be hereafter defined and located as follows: All that territory covered by and included in the circle having as its centre a point located in the center of the court-house as now located and situated in said town of Shelby and made by a radius extending three-fourths of a mile in length from said center; that is, all that territory within a radius of three-fourths of a mile from the center of the present court-house of the county of Cleveland.

Present officers confirmed and continued in office.

SEC. 3. The present officers of said town and now holding office therein as such, whose terms have not expired shall hold their said offices until their said terms shall have respectively terminated, or until their successors are duly elected and qualified as hereinafter provided.

Town divided into four wards.

SEC. 4. The town of Shelby shall be divided into four wards as follows, and to be known as follows, to-wit:

Ward one.

Ward One. All that portion of said town lying between the line beginning in the center of said town as aforesaid and running thence due north to the corporate limits and the line beginning at the same center and running due east to said corporate limits.

Ward two.

Ward Two. All that portion of said town lying between the line beginning in the center of said town as aforesaid and running thence due south to the corporate limits and Ward One.

Ward three.

Ward Three. All that portion of said town lying between the line beginning in the center of said town as aforesaid and running thence due west to the corporate limits and Ward Two.

Ward four.

Ward Four. All that portion of said town lying between Ward One and Ward Three aforesaid.

Corporate powers vested in a Mayor and Board of Aldermen.

SEC. 5. The corporate powers hereby vested in the town of Shelby shall be exercised, controlled and managed by a Board of Aldermen and a Mayor for said town. Said Aldermen of said town shall form one body to be known as the Board of Aldermen and a majority of them shall constitute a quorum and be competent to perform all duties. The Board of Aldermen shall consist of four Aldermen, one for and from each ward aforesaid.

Board of Aldermen to consist of four members.

Mayor and aldermen to be elected first Monday in May, 1901, and every two years thereafter.

SEC. 6. That there shall be elected by the qualified voters of said town, on the first Monday in May nineteen hundred and one, and on the first Monday of May, every two years thereafter, a Mayor and four Aldermen, one Alderman for and from each of the four wards of the town, who shall hold office for the term of two years from and after his election, and until his successor is elected and qualified.

Election, how held.

SEC. 7. That said election of Mayor and Aldermen shall be held at some place within the corporate limits of said town, to be selected by the Mayor and Commissioners, and no person shall

be entitled to vote at said election or at any election held in said town for municipal purposes, unless he shall be an elector of the State of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.

Qualifications of electors.

SEC. 8. That it shall be the duty of the Aldermen of said town on the first Monday in March in each year, in which an election for officers for said town is to be held, to appoint a registrar and two judges of election, who shall be qualified voters of said town, who shall within ten days thereafter be notified of their appointment by the Marshal of said town. The registrar so appointed shall immediately make publication at the door of the Mayor's office and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the Aldermen of said town, and it shall be his duty to revise the existing registration book of said town in such a manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also between the hours of sunrise and sunset each day (except Sundays) for twenty days preceding each election, keep open said books for the registration of any electors residing in said town entitled to register, whose names have never before been registered in said town, or do not appear on the revised list, but the Aldermen 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.

Aldermen to appoint registrar and two judges first Monday in March.

Duties of registrar.

Aldermen may order a new registration.

SEC. 9. That 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 Cleveland County.

Registrar and judges to take oath of office.

SEC. 10. That it shall be the duty of the registrar and judges of election to attend at the polling place in said town with the registration books on the Monday preceding the election, from the hour of nine o'clock a. m. until the hour of five o'clock p. m., when and where the said book shall be open to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any other time than that above specified.

Judges and registrar to attend polling place on Monday preceding election to hear challenges, etc.

How challenges to be heard.

Proviso.

Person challenged found disqualified, name to be erased from registration book.

Judges and registrar to open polls on election day and superintend election.

Shall keep poll books.

Poll list evidence.

Judge failing to attend, registrar to appoint

Elections to be by ballot.

Judges to declare result of election.

Judges to determine in case of a tie.

Eligibility to office.

Duty of town clerk to notify persons elected.

Elected officers to qualify within three days.

Any person elected refusing to qualify in 30 days, to forfeit and pay \$200.  
Disposition of forfeiture.

How recovered.

Board to elect or appoint clerk and treasurer.

If any person challenged or objected to shall be found not 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 said election held in said town for municipal purposes.

SEC. 11. That 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 shall keep the polls open until sunset, when the polls shall be closed and the votes for Mayor and Aldermen 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 of said town, and said poll lists shall in any trial for illegal or fraudulent voting be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

SEC. 12. That the voters shall vote by ballot, having the names of the Mayor and Aldermen on one ballot, either in writing or printed, on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the Town Clerk, and in case of a tie the judges of election shall determine by ballot who is elected.

SEC. 13. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

SEC. 14. That immediately after each election it shall be the duty of the Town Clerk to notify in writing the Mayor and Aldermen-elect of their election.

SEC. 15. That the Mayor and Aldermen-elect shall within three days after having been notified by the Town Clerk, before some Justice of the Peace in said county, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed upon them by law.

SEC. 16. That any person elected Mayor or Alderman under the provisions of this charter, refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of two hundred dollars, one-half to the use of the person suing for the same and the other half to said town, to be applied by the Aldermen of said town to the use and benefit thereof; the said sum shall be recovered in any ordinary civil action before a Justice of the Peace of said county in the name of the State of North Carolina.

SEC. 17. That the Board of Aldermen, at its first meeting after the election in May, or not later than its regular meeting in June

after election, shall appoint or elect a clerk and treasurer (or may consolidate the offices of clerk and treasurer and elect one and the same person to fill both places and be known as clerk and treasurer), and a Tax Collector, and one or more Marshals, all of which officers shall hold their offices respectively for the term of two years from and after appointment, and until their successors, respectively, shall be appointed and qualified, subject, however, to be removed at any time for incompetency, misbehavior, neglect of duty or other good cause, by said Board of Aldermen, which alone shall be the judge of such incompetency, misbehavior, neglect of duty, or other cause of removal, and shall appoint others in their stead to fill out his or their said terms respectively, upon such removal. Said Tax Collector may be one of said Marshals, or in event only one Marshal, may be said Marshal. Before entering upon the duties of their office, respectively, every one of said officers shall be sworn by the Mayor of said town, or other person authorized to administer oaths, to the faithful discharge of their respective duties, and shall execute a bond payable to the said town of Shelby, in such sum as shall be prescribed by said Board of Aldermen, with good and sufficient surety or sureties, approved by said Board of Aldermen, for the faithful discharge of their said duties, respectively, and such bond shall be duly proven by a subscribing witness before the Mayor of said town and recorded in the office of said clerk of the said Board of Aldermen in a book to be kept for that purpose, to be marked and called "Official Bonds;" the original of such bonds as soon as recorded to be deposited and kept by the clerk of the board to the Aldermen, except the bond of the clerk, which shall be kept by the Mayor of the said town. A copy from said registry of any such official bond duly certified by the clerk of the Board of Aldermen under his name and seal of said town, shall be at all times received as evidence in any court or in any action for the enforcement of the penalty thereof, or in any other action or for any other purpose whatsoever. Said Board of Aldermen at its pleasure may from time to time increase or decrease the number of Marshals and other officers and appoint other persons to fill vacancies therein, which, in the opinion of said Board of Aldermen, should be filled, any such appointees to hold office upon the same terms and subject to the same powers of said Board of Aldermen as the persons in whose stead they were so appointed held their offices, respectively, in said cases reserving the right to the Board of Aldermen to appoint to said places for a period less than a year, and to contract for said time and to pay for the term of actual service rendered in proportion to the year. The duties of such Marshals or other officers shall be from time to time prescribed and designated by said Board of Aldermen.

May consolidate offices.

Term of office.

May be removed for incompetency, etc.

Officers to be sworn.

Must give bond. Bond to be recorded.

Copy of bond to be received as evidence.

Board may appoint marshals and increase or decrease the number from time to time as they may deem necessary.

Duties of marshals to be designated by board.



## Duties of clerk.

SEC. 18. It shall be the duty of the clerk of the Board of Aldermen to attend the meetings of the Board of Aldermen, to attend the meetings of the board, both regular and special, to keep regular and fair minutes of all proceedings of said Board of Aldermen; to preserve and keep said minutes where the public may, at all reasonable hours, inspect the same, all books, papers and other articles committed to his care by said Board of Aldermen during his continuance in office, subject to the control of said Board of Aldermen, and deliver the same to his successors, and regularly to perform all such other duties as may be by said Board of Aldermen from time to time prescribed, and he shall receive such compensation as such Board of Aldermen shall prescribe.

Must deliver all books and papers to successor.

## Duties of treasurer.

SEC. 19. That it shall be the duty of the Treasurer of said town to receive and safely keep all moneys which shall be paid into his hands as such Treasurer for the use of said town, to disburse the funds of said town according to such orders as shall be drawn on him by the proper authority; to demand of all persons such moneys or securities as they or any of them may have in their hands belonging to said town which ought to be paid or delivered into the treasury thereof, and to perform all such other duties as may from time to time be required of him by law or said Board of Aldermen. He shall keep in a book provided for that purpose a fair and correct account of moneys received and disbursed by him, and of all securities and other property entrusted to him for safe keeping or otherwise; and at the expiration of his term of office or the sooner determination thereof, shall deliver to his successor all such moneys, securities and other property belonging to said town then in his hands. He shall receive such compensation as said Board of Aldermen shall from time to time prescribe. All orders drawn on him shall be signed by the Mayor of said town and shall state the purpose for which the money therein called for is applied, and the Treasurer shall in his accounts specify such purpose. He shall also state in his accounts the sources respectively from which all moneys received by him are derived, and shall when required to do so, submit to the Mayor or Board of Aldermen his vouchers for any and all disbursements made by him, and his said accounts in full. It shall also be the duty of said Treasurer to demand, collect and receive direct from the Treasurer of the Board of Education for Cleveland County or other officers holding said funds such moneys as shall be from time to time apportioned under the general school law of the State to the Shelby public school district by virtue of chapter 403 of Laws of 1891, and to do and perform all other acts and duties required and directed to be done by him by said chapter 403, of the Laws of 1891. Said Treasurer shall make out annually a fair transcript of the receipts and disburse-

To keep records of all moneys received and disbursed.

Shall deliver all moneys, securities, books, papers, etc., to his successor. Orders, how drawn.

Treasurer to state sources from which moneys derived and submit vouchers.

Duty of treasurer to collect school funds due the town from County Treasurer.

Treasurer to make and publish annual statements.



ments on act of the town, and also on account of "the School Committee of the town of Shelby" for the general inspection of the citizens and cause the same to be posted at the door of the court-house in said town or printed in some newspaper published in said town of Shelby. The books and vouchers of said Treasurer shall be opened to the inspection of the public at all reasonable hours.

Book and vouchers open to public inspection.

SEC. 20. It shall be the duty of each and every Marshal of the said town to see that the laws, ordinances, regulations and orders of said Board of Aldermen are enforced, and to report all breaches thereof to the Mayor of said town; to preserve the peace and order of said town by suppressing disturbances and apprehending offenders, for which purpose he shall have all the powers and authorities vested in Sheriffs or County Constables; execute all criminal and civil process and precepts and notices of every character lawfully directed to him by the Mayor of said town or the Board of Aldermen thereof, or others, and in the execution thereof he shall have the same powers anywhere in the county of Cleveland as the Sheriff or Constable thereof have or hereafter may have. Such Marshal or Marshals shall have the same power to apprehend in the limits of said town or county of Cleveland all offenders against the State, as the Sheriff and Constables of said county have, and to carry such offenders before the Mayor of said town, and in this respect he shall be bound by the same rules as the Constables of said county. It shall also be the duty of said Marshal or Marshals to perform such other acts and exercise such other functions as shall be from time to time directed or required of him or them by said Board of Aldermen. The duties of the Tax Collector of said town shall be those hereinafter provided, and such as shall from time to time be prescribed by law and by said Board of Aldermen; and he shall receive as compensation for his services in collecting taxes five per centum of all taxes actually collected by him, to be retained by him from such collections when and as often as he shall make a settlement thereof with said Board of Aldermen, and for his services in discharging any other duty such compensation as shall from time be prescribed by the Board of Aldermen.

Duty of town marshal.

Marshal to have powers of sheriffs or county constables.

Duties of tax collector.

SEC. 21. For any breach of his official bond by any officer of said town who is or may be required to give such bond, such officer shall be liable in an action on the same, in the name of said town, by said town, or any person aggrieved by such breach, and each bond may without assignment be from time to time put in suit until the whole penalty thereof be recovered.

Officer may be sued by town for breach of official bond.

SEC. 23. The Board of Aldermen shall appoint from outside their number an auditing committee, consisting of three, who shall be familiar with accounts, to whom the Treasurer of the

Aldermen to appoint an auditing committee.

Duties of committee.

town, Tax Collector and all other officers into whose hands any money may go belonging to the town shall exhibit their books, accounts and moneys once every twelve months, and oftener if the Board of Aldermen shall deem it necessary. And it shall be the duty of the auditing committee to examine the books and accounts of such officers to see that the accounts are correctly and properly kept, and to count the money in the hands of any such officers and see that it corresponds with the amount shown by the books and accounts to be in such officer's hands; and if at any time there shall be a deficit in the amount of money in the hands of any such officer, the auditing committee shall so report to the Board of Aldermen, whose duty it shall be to institute proceedings in the Superior Court against such officer and his bond for violating his official duty. The auditing committee, upon the completion of each examination, shall prepare and post at the door of the court-house a statement showing the amount of money collected and received by such officer, the amount turned over or disbursed by him, and the amounts of any other money which may be paid out by said officer and the purpose for which the same may have been disbursed. The Board of Aldermen shall allow to each of the auditing committee who examines the books, accounts and moneys and prepares and posts reports as herein specified the sum of two dollars as full compensation for each examination.

Auditing committee to prepare and post statement at court-house door.

Compensation of auditing committee.

Duties of the mayor defined.

SEC. 23. It shall be the duty of the Mayor to have general supervision over the streets, public water supply, city lights, security, health and cleanliness of the city, the enforcement of all the ordinances thereof, and to keep a faithful minute of all precepts issued by him and of his judicial proceedings, and report at each regular meeting of the Board of Aldermen the total amount of costs and fines which have been imposed by him in all judicial proceedings during the previous month, stating the general situation and condition of the city, particularly the condition of its streets, public water system and lights and shall recommend to the board the adoption of such measures as will promote the interest of said city and its inhabitants.

Effect of mayor's judgment.

SEC. 24. Judgments rendered by the Mayor shall have all the force, virtue and validity of judgment rendered by a Justice of the Peace and may be executed and enforced against the parties in courts of Cleveland County and elsewhere, and by the same means and manner as if the same had been rendered by a Justice of the Peace of Cleveland County. Whenever any person shall upon conviction in said Mayor's Court be sentenced to imprisonment or ordered to be imprisoned until such person shall have complied with the judgment of said court, such person shall for such period, or until such time, be confined accordingly in the

Persons convicted for violating town ordinances may be confined in county jail.

common jail of the county of Cleveland. It shall in every case be the duty of the Sheriff of the county of Cleveland or the jailor of said county, to receive any such person with or without mittimus as hereinbefore provided, into such county jail, and keep such person until such trial or for such imprisonment or until such person would otherwise be discharged.

SEC. 25. That the Mayor may issue his warrants upon his own information of any violation of any town ordinance without a written affidavit, and may issue the same to any Marshal of the town or to such other officers as may be clothed with the powers of the Constable, or to such other officer as the Justice of the Peace may issue his precepts. Mayor may issue warrants on his own information.

SEC. 26. That the Mayor of said town shall not receive any fees in any case tried before him, whether he has final jurisdiction or only to act as a committing Magistrate, but the fees now prescribed by law for the Mayor shall be collected and recovered into the treasury of said town. The Mayor shall receive as compensation for his services such salary as the Aldermen may fix, payable out of the town treasury, in such sums and at such periods as the Aldermen may prescribe. Mayor not to receive fees. Compensation of mayor.

SEC. 27. That the Mayor of the town of Shelby is hereby constituted a special court to be known as the Mayor's Court, with exclusive original jurisdiction of all offences arising from the violation of the provisions of this act, or of the ordinances, by-laws, rules and regulations of the Board of Commissioners, made in pursuance hereof, and with all the jurisdiction, power and authority which is now, or hereafter may be, given to the Justices of the Peace, for the trial and determination of such criminal causes as may arise within the corporate limits of said town, under the general laws of North Carolina, and to that end may issue his summons, warrant or other process, have the party brought before him, hear, determine and give judgment thereon, issue execution, impose fines, penalties and forfeitures, as the case may be, and direct the enforcement thereof subject to the limitations of this act as to the amount of such penalties, and subject also to the same right of appeal as is provided for courts of Justices of the Peace: *Provided*, that no cause arising upon the violation of any of the provisions of this charter, or of any ordinance, rule or regulation made in pursuance hereof, shall be removed from the Mayor's Court to a Justice of the Peace for trial: *And provided further*, that in case a defendant, a witness, or other persons, shall be adjudged to be imprisoned by said Mayor's 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 person work during the period of his confinement on the public streets or Mayor constituted a special court. Jurisdiction. *Provided*. *Provided*.

works of the town, or on the public road or works of the county of Cleveland, and in case such imprisonment be for the non-payment of the fine, a penalty or costs, he shall have credit thereon at the rate of sixty-five cents per day for every day in which he shall so work upon the public streets, roads or other works of the town or county.

Mayor to keep office in convenient place.  
Mayor to keep corporate seal.

SEC. 28. The Mayor of said town shall keep his office in some convenient part of said town designated by the Board of Aldermen. He shall keep the seal of the corporation and perform the duties as are by this act prescribed, and as shall from time to time by law or by the ordinances of said town be prescribed.

Mayor to preside at meetings of Board of Aldermen.

SEC. 29. The Mayor of said town shall preside when present at all meetings of the Board of Aldermen thereof, and in all cases of a tie vote of the Aldermen present upon any question or in the election of any officer by said Board of Aldermen, he shall have the right to vote, but shall not be allowed to vote in any other case. The Board of Aldermen shall convene at the Mayor's office, or other convenient point in said town, each and every month at a time to be designated by the board for the transaction of business. Special meetings of the Board of Aldermen may be held at any other time than that designated for a regular meeting on call of the Mayor or a majority of the Aldermen, and for every such meeting called by the Mayor all the Aldermen in the town shall be notified, and when called by the majority of the Aldermen such Aldermen as are in the town and do not join in the call shall be notified. The Board of Aldermen when convened shall have power to make such ordinances, rules and regulations for the proper government of the town as they may deem necessary and provide for the proper execution thereof as they think best.

Board to convene monthly.

Special meetings.

Power to make ordinances.

SEC. 30. Among the powers hereby conferred upon the Board of Aldermen are the following:

Extra powers conferred.

Regulate bicycle riding.

To regulate the manner in which bicycles may be ridden in said town.

Water supply.

To provide a sufficient supply of pure water for said town.

Water system.

To provide a sufficient and adequate water system and water-works and sewerage system for said town.

Electric lights.

To provide electric lights or other lights for lighting the streets, public buildings and houses of private individuals in said town.

To employ attorney, street overseer, etc.

To employ an attorney, a street overseer and such other employees as in their discretion may be required for said town and fix their compensation.

Curbing streets and sidewalks.

To provide for the curbing and paving of the streets and sidewalks of said town, and the cleaning of the same, to the extent such board may deem best.

Market.

To establish and regulate a market or markets in said town, and to erect or lease and use a suitable market-house therefor.

To provide proper and effectual means and regulations to prevent and extinguish fires in said town, and to provide for the establishment, organization, equipment and government of fire companies.	Fire regulations.
To appoint and regulate town watches.	Town watches.
To make suitable regulations for the due observance of Sundays in said town, and to provide for the enforcement of same.	Sabbath observance.
To prevent, suppress and remove nuisances in said town.	Nuisances.
To regulate the manner in which dogs may be kept in said town.	Dogs.
To regulate the speed at which horses may be driven or ridden through said town.	Speed of riding and driving.
To regulate the mode or manner in which fire may be carried through said town, and the arrangement of stove-pipe flues in buildings.	Fires to be regulated.
To regulate the manner in which hogs, goats and cattle may be kept in the town at large.	Hogs, goats and cattle.
To cause all alleys, lots, cellars, privies, styres, stables and other places of similar character to be examined, cleaned, removed or abated as may be prescribed by the board.	To remove filth.
To prohibit all trades or occupations which are nuisances from being carried on in said town.	To prohibit nuisances.
To establish and maintain one or more public cemeteries of such size as they may deem necessary within or without the corporate limits of said town, and provide for the care and maintenance of same, and the proper regulation, control and protection thereof.	To establish and maintain cemeteries.
To make ordinances to prohibit or control the firing of fire-arms, firecrackers, torpedoes and other explosive material, and to govern the sale thereof in the said town.	Ordinances for control firearms, etc.
To regulate the speed at which railroad engines and trains shall run within the town limits and any of the streets of said town on said streets, and to require said railroads to keep the street crossings in good repair, and to require said railroads to provide proper gates or watchmen at all crossings in said town, and to give proper alarm or signals of the approach of any and all trains at said crossings, and to require said railroads to keep in repair and erect all necessary overhead bridges in said town, when, in the discretion of said Board of Aldermen, said bridges are necessary for the travel and passing and repassing of the citizens of said town, upon any street in said town said railroad or any of them cross.	To regulate the speed of railroad engines and trains.
To adopt a seal for said corporation, and same to be kept by the Mayor thereof.	To adopt a seal.
To require all officers, appointed or elected by the Mayor and Board of Aldermen of said town, to give good and sufficient	To require official bonds.

bonds for the faithful performance of their duties, as the same is prescribed by law, in such sum or sums as the Board of Aldermen and Mayor thereof may deem proper.

To preserve the peace.

To make provisions and take all proper measures to preserve the peace and order of said town, and to execute all laws and ordinances thereof.

To make necessary sanitary regulations.

To enact and pass such laws and ordinances and regulations as said board may deem necessary to preserve the health of said town, and provide for the enforcement of the same.

To provide for town licenses on trades, etc.

To make provisions for licensing and regulating auctioneers and auctions in said town, and for licensing and taxing all public vendors and criers of nostrums, drugs, soaps, medicines, and provide for the enforcement of the same.

Theatrical licenses, etc.

To provide licensing, regulating or restraining theatrical and other public amusements within said town, and all bill-posters and advertisements thereof, and to enforce all such provisions.

To establish necessary inspections.

To establish all necessary inspection within said town, whether of buildings or otherwise.

To levy and collect taxes.

To lay and provide for the collection of all taxes authorized by law to be laid, levied or collected by said town, and enforce the collection of the same.

Impose and collect fines and penalties.

To impose, collect and appropriate fines, penalties and forfeitures for the breach of the ordinances and regulations of said town.

To appoint and pay officers.

To appoint and provide for the pay and prescribe the duties of all such other officers of said town as may by said Board of Aldermen be deemed necessary.

To regulate baggage transfer, etc.

To prescribe and regulate the charges for the carriage of persons, baggage and freight by omnibus, wagons, drays, carriages and other vehicles in said town, and to issue license for omnibus, hacks, carriages, drays and other vehicles used therein for the transportation, for hire, of persons or things.

To guard against disease.

To make proper provisions and take all necessary measures to preserve said town from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein.

To provide for operation, control and management of electric or other lighting system.

To make and pass all such rules, regulations and ordinances as may be necessary for the government, control, management or operating of all electric light plants, or other lighting system, water-works or sewerage systems, as the Board of Aldermen may deem necessary.

To appoint police officers, special police, etc.

To appoint a marshal or marshals for said town, and all policemen and other officers thereof which may by said board be deemed proper to execute such precepts as the Mayor may lawfully issue to them, and to preserve the peace and good order of said town, and whenever, in the opinion of the Board of Alder-

men, the peace and good order of said town requires an additional or special force to assist the regular police or marshals in preserving order and peace in said town on any occasion, or upon the assembling in any large or unusual meeting in said town, deemed dangerous to the peace and good order thereof, the Board of Aldermen may, in their wise discretion, appoint specials or policemen, who shall be citizens of said town or the county of Cleveland, which specially appointed marshals or policemen shall be invested with all the authorities under the law as the regular marshals or police of said town are invested with, and clothed with all the authorities to make arrests for infraction of the law and to perform other duties as though they were regular marshals and policemen of said town.

Duties and  
authorities of  
police.

To make ordinances regulating the erection and maintenance of overhead electric or other wires; to prevent obstruction to streets and to prevent accidents to or injuries to the citizens.

To regulate over-  
head electric or  
other wires.

To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act: *Provided*, they are not incompatible with the Constitution or laws of this State.

To pass all other  
necessary ordi-  
nances.  
Proviso.

SEC. 31. All ordinances passed by the Board of Aldermen shall be entered in the minutes at which they are passed and recorded in a book to be kept for that purpose, which record shall state the number of ordinance and the date of its passage.

Ordinances to be  
properly recorded,  
etc.

SEC. 32. That it shall be unlawful for any person to resist or obstruct any officer of said town in the discharge of his official duty as such by force, threats or otherwise, and any person so offending shall be guilty of a misdemeanor, and shall be fined twenty-five dollars or imprisoned for thirty days.

Unlawful to  
resist officers in  
discharge of  
official duties.

Penalty.

SEC. 33. In order to raise funds for the current expenses of said town, and thereafter for the improvement of same, the Board of Aldermen of said town at their first meeting in June in every year, lay and provide for the collection of the following taxes:

Tax levies pro-  
vided for.

(1). On all real and personal property within the limits of said town, and all other subjects taxable by the General Assembly of this State, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding sixty-six and two-thirds cents on every hundred dollars of such valuation as of the first day of June of every year.

Ad valorem tax.

(2). On every person residing in said town on the first day of June of every year subject to poll tax under the laws of this State, a poll tax not exceeding two dollars.

Poll tax.

(3). The tax allowed and required for graded school purposes under and by virtue of chapter 493, Laws of 1891, and all other special taxes allowed and required by law.

Graded school  
taxes.



Privilege taxes.

Who to pay  
privilege taxes.

(4). Such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town, that is to say, on every lawyer, merchant, physician, dentist, druggist, artisan, mechanic, daguerrean artist or other taker of pictures; on all officers or agents or incorporated companies; on all clerks or employees of other persons or corporations; on every drummer, editor, printer, butcher, tinner, carpenter, shoe-maker, wheelwright, carriage, buggy or wagon-maker, jeweler, confectioner, grocer, harness-maker, saddler, blacksmith; on every billiard or bagatelle table, public or private bowling, nine or ten-pin alley; on all lectures for reward; on all riding or pleasure vehicles; on all gold, or silver, or metal watches; on all pianos; on all pistols; on every livery, feed or sale stable; on every cotton gin; on every boarding-house, hotel, restaurant or eating saloon; on all drays, carts, wagons, carriages, buggies, bicycles; on all horses, cattle, sheep, hogs, goats, or dogs owned or kept in said town or allowed to run at large therein; on every stallion, jack, bull or boar kept or exhibited in said town; on all itinerant trades and peddlers; on all banks, railroads, telephone and telegraph companies; on all saw and planing mills, brick, lath or shingle mills; on all sash, door and blind, furniture or cotton factories, and on all incorporated companies of whatever nature or kind; on all and every person or persons, company or companies, who may exhibit, sing, play, act or perform on anything for which they charge or receive any gratuity, fee or pay, or reward whatever within the limits of said town, and on every opera-house or public hall to which an admission fee may be charged, and the Aldermen of said town shall prescribe when the license tax herein provided for shall be due and payable.

Additional privilege taxes provided for.

(5). In addition to the other subjects listed for taxation in said town the Board of Aldermen may lay and collect such other privilege taxes as may seem to them fair and equitable upon all persons, corporations, businesses and trades which are now, or which may hereafter be taxed under the general revenue act for State purposes and not specifically covered by paragraph four foregoing, except in such instances where municipalities are forbidden to lay and collect such taxes.

May provide and require payment of license taxes in advance.

SEC. 34. Said Board of Aldermen may require and provide for the payment in advance of any license tax in this act authorized, and any persons who in such case shall engage in any such business, trade, occupation, calling or profession upon or for which in any manner any such tax is allowed to be imposed, without having paid such tax, 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.

Refusal to pay license taxes a misdemeanor.  
Penalty.



SEC. 35. That the clerk shall, on the second Monday in May of each and every year, make advertisement in some newspaper published in the town, notifying all persons residing in the town of Shelby, who own or have control of taxable property in the town on the first of June to return to him on or before the last day of June a list of their taxable property in said town. Said list shall state the number of lots or parts of lots, and other property now taxable, or that hereafter may be taxable by the laws of the State or the ordinances of the town and the list so returned to the clerk shall be sworn to before him and he is hereby authorized to administer the following oath:

"I, ..... do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said town, a full and accurate list of all stocks, bonds, incomes, solvent credits, and other property subject to taxation by the laws of the State and ordinances of said town, according to my best knowledge, information and belief. So help me God."

From the returns so made the clerk shall, within thirty days after the expiration of the term for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax lists are made out by law for collection of State taxes. The clerk shall copy in said book the assessments made by the Board of Township Assessors of all property within the town limits, which assessments may be revised, corrected or amended by the Board of Aldermen.

SEC. 36. That the clerk shall within thirty days from the return of the tax list, make out to the best of his knowledge and belief, by comparing his books with the returns made to the Board of Town Assessors, or to the Tax-Lister for the county and by enquiry from other sources, a list of taxable polls and owners of taxable property in said town, who shall have failed to return a list in the manner and time aforesaid, and said persons who failed to list as required in the preceding section, shall forfeit and pay a sum to be fixed by the Board of Aldermen, not to exceed twice the amount of his tax, which penalty may be received or recovered as other fines and penalties imposed by the Board of Aldermen before the Mayor or any Justice of the Peace. From such list, records, papers and documents so procured, or required to be procured, said clerk of the Board of Aldermen shall immediately make a full and complete list, showing the name of every tax-payer in every ward of said town, and the items of property, personal and real, in every of such wards upon which he is required to pay taxes, and the respective value of each according to said lists, and the respective names and ages and colors of the

Clerk to make advertisement second Monday in May of time for listing taxes.

Tax list, what to contain.

List to be sworn to.

Form of oath.

Tax list to be alphabetically made out in book kept for the purpose.

Clerk to copy assessment made by township assessors.

Clerk to make list of taxable polls and owners of taxable property who have failed to return for taxation.

Penalty for failure to list taxes.

Clerk to make full and complete tax list.

persons resident within said wards respectively, who are liable to pay a poll tax in said town, and shall charge to every of said taxpayers his taxes upon his property in every of said wards, calculated at the rate of taxation for such property prescribed by said Board of Aldermen for that year, and shall charge all persons resident within said ward respectively, who are liable to pay poll tax in said town within the amount of their respective poll tax as prescribed by said Board of Aldermen for that year, and also showing the aggregate amount of property according to such valuations, and of taxes and polls in every of said wards and the full aggregate of the same in said town. Said clerk of the Board of Aldermen shall submit such lists so made by him to the said Board of Aldermen at their next meeting after he shall have completed same, and said list, when approved by said Board of Aldermen, whether as amended or not by it, shall constitute the regular tax list of said town for that year, subject to any or all amendments, corrections, modifications, additions and subtractions, which said Board of Aldermen shall from time to time make therein. It shall be the duty of said Board of Aldermen to see that all subjects of taxation within said town are duly entered from time to time upon said list at their proper places, and the taxes which should be paid by or upon the same are duly enforced and collected and to take proper measures for the due accomplishment of that result.

Clerk to submit list to Board of Aldermen, and when approved by board to constitute regular tax list for year so made.

Duty of board to see that all subjects for taxation are listed, and enforce payment of taxes.

Board to record list and furnish copy to tax collector on or before first Monday in September each year.

Clerk to endorse on copy order to collect taxes.

Effect of order.

Tax Collector to proceed immediately with collection of taxes.

Taxes to be collected by December 1.

Aldermen may extend time.

SEC. 37. Said Board of Aldermen shall preserve said list among its records; shall immediately after the approval of the same cause to be made a copy of so much and such parts thereof as may be required for the use of the Tax Collector in collecting the taxes of said town; said copy shall be delivered to said Tax Collector on or before the first Monday in September in each year, and he shall receipt for the same. Said clerk of the Board of Aldermen shall endorse on said copy an order to said Tax Collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

SEC. 38. The Tax Collector of said town upon his receipt of said copy of such parts of said tax list shall proceed immediately with the collection of the taxes in such copy mentioned, and of all such as may be from time to time added thereto by said Board of Aldermen, and shall complete such collection by the first day of December next after such receipt, but said Board of Aldermen may extend the time for the completion of such collection for such period or periods as it may deem best, not longer than the first day of March next thereafter. Said Tax Collector shall

pay over, at least once a week to the Treasurer of said town all money by him collected as taxes after deducting from each collection the amount of his compensation for making it, as hereinbefore provided; and for every such payment he shall take said Treasurer's receipt and exhibit to the Board of Aldermen at its next meeting.

Tax Collector to pay over to treasurer weekly, and take treasurer's receipt for each payment.

SEC. 39. All taxes of said town shall be levied, assessed and collected, except as in this charter otherwise provided, in the same manner and under the same rules and regulations, and subject to the same penalties as are provided by law or shall hereafter be provided by law, for the listing, levying, assessing and collecting State and county taxes in this State.

Taxes to be assessed and collected in same manner as provided for collection of State and county taxes.

SEC. 40. The lien of town taxes levied for all purposes in each year shall attach to all real property on the first day of June annually and shall be paramount to all other liens and continue until such taxes, with any penalty which shall accrue thereon, shall be paid. All personal property in said town subject to taxation shall be liable to be seized and sold for taxes by said Tax Collector, and the personal property of any deceased person there shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate; and any property, whether real or personal, in said town, conveyed or assigned after the first day of June, in any year, to any trustees, assignee or assignees for the benefit of creditors, shall be liable in the hands of such trustee or trustees, assignee or assignees for all the taxes levied, laid or assessed upon the same in that year, and may be sold for the payment of such taxes in the same manner as if such conveyance or assignment had not been made.

Tax liens to attach to all real property and be paramount to all other liens.

Personal property liable to seizure for unpaid taxes.

Property conveyed liable for tax liens.

SEC. 41. The fiscal year of said town shall begin with the first day of June in every year.

Fiscal year.

SEC. 42. The poll taxes and the *ad valorem* taxes of said town shall become due on the first day of September in every year.

Poll and ad valorem taxes due September 1.

SEC. 43. Whenever any taxes in said town shall be due and unpaid, the Tax Collector thereof shall proceed to collect the same as follows:

Procedure to enforce collection of due and unpaid taxes.

(1). If the person charged have personal property anywhere in the county of Cleveland of a value as great as the taxes charged against him or against his property, said Tax Collector shall seize and sell the same as the Sheriff is required to sell personal property under execution.

As to personal property.

(2). If the person charged have not personal property to be found in said county of Cleveland of the value as great as the tax charged against him and his property, said Tax Collector shall levy upon the lands of the delinquent in said county of Cleveland, or any part of such land of the delinquent in said county, and after due advertisement sell the same for the pay-

Procedure as to real property.

Levy.

Advertisement,  
how made.

ment of said taxes. Such advertisement shall be made in some newspaper published in said county of Cleveland for at least thirty days immediately preceding such sale and by posting notice at court-house door for thirty days before said sale, which shall contain a description of the real estate to be sold, the name of the person who appears upon the tax list as the owner thereof, the amount of taxes for which said sale is made, and the day and place of said sale. 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. All such sales shall be made

Fee for advertis-  
ing to be collected.

at the court-house door of said county of Cleveland, at public auction, to the highest bidder, for cash, upon any day of the week or month, except Sunday or a legal holiday; and if no person will bid enough to pay such taxes, penalties and expenses, in case such real estate is sold, said Tax Collector shall bid on behalf of said town the amount of said taxes, penalties and expenses, and if no higher bid is made, the same shall be struck off to said town; and in all cases where real estate is struck off to said town as herein provided it shall belong to said town in fee-simple. Said Tax Collector shall immediately thereafter return to the Board of Aldermen of said town by filing the same with the clerk of said board a statement of his proceedings, showing the purchaser or purchasers of such real estate, and the amount for which each piece or part thereof sold, which shall be entered by the clerk of said board upon the minute book of said Board of Aldermen; and if there shall be a surplus after paying said taxes, penalties and expenses, the same shall be paid to the Treasurer of said town subject to the demand of the person entitled to same.

Sales to be made  
at court-house  
door.

Realty failing to  
bring amount of  
tax and costs,  
to be bid off for  
town.

Tax Collector to  
make statement  
to Board of  
Aldermen.

Surplus to be  
paid to treasurer  
subject to  
demand of person  
entitled to same.

Real estate sold  
for taxes may be  
redeemed within  
one year in same  
manner as pre-  
scribed for  
redemption of  
lands sold for  
State and county  
taxes.

Exception.

SEC. 44. The owner of any real estate or interest therein sold as aforesaid, his heirs, executors, administrators or assigns may redeem the same within one year after the sale upon the same terms and conditions and subject to the same provisions and in the same manner as prescribed by law for the redemption of real estate sold for State and county taxes, except that all duties, functions and powers provided by law to be discharged and exercised by the Sheriff or Tax Collector shall be discharged and exercised by the Tax Collector of said town.

Tax Collector to  
issue certificate to  
purchaser of real  
estate sold for  
taxes.

Certificate may be  
assigned or trans-  
ferred.

SEC. 45. On any such sale of real estate, said Tax Collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual of said town, as such last-mentioned certificates are allowed by law to be assigned or transferred; and if the real estate sold as aforesaid shall not be re-

deemed as hereinbefore provided, said Tax Collector or his successor in office, under the direction of said Board of Aldermen at any time within one year after the expiration of one year from the date of sale, on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs or assigns, a deed in fee-simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost, said Board of Aldermen, on being fully satisfied thereof by due proof, shall direct said Tax Collector to execute such conveyance, and said Tax Collector shall so execute the same. Any such shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and county taxes, who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions, and conclusions as such last-mentioned deed and effective to the same extent as such last-mentioned deed: *Provided, that nothing in this section shall be construed as to interpret any act or statute or any part of act or statute of this State 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 said town.*

Tax Collector or successor to execute deed.

Form of deed.

Proviso.

SEC. 46. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of a rightful owner if said real estate be in other respects sufficiently described to insure identification.

Sale not invalid on account of mistake in name.

SEC. 47. Whenever in the opinion of the Board of Aldermen of said town it is advisable to obtain land or right of way therein for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or waterways for carrying water out of any street therein, and said Board of Aldermen and the owner can not agree as to the amount of damages consequent thereupon as well as the special advantage which may result to the owner or owners thereof by reason of such opening, widening or straightening of the street, or making of such culvert or waterways, said Board of Aldermen may direct the Mayor of said town to issue and he shall thereupon issue his writ under his hand and seal, commanding the Marshal thereof to summons a jury of six freeholders of said town unconnected by consanguinity or affinity with any of the persons to be affected by said proposed improvement, in which writ the proposed improvement shall be fully described and the persons who are supposed to be affected thereby, shall be named. Such marshals shall, in obedience to said writ, summon a jury of six freeholders as afore-

Procedure for condemning land for street improvements.

Marshal to summon jury of six freeholders.

said, and direct them to assemble at the Mayor's office in said town at a time by such Marshal appointed, not less than twenty nor more than thirty days after the date of such writ. Such Marshal shall also serve notice of the time of meeting of the jury upon all the persons named in such writ, as are supposed to be affected by such proposed improvement, at least fifteen days before the date appointed for the meeting of the jury. Such notice shall be in writing and signed by said Marshal and addressed to the person or persons upon whom service thereof is made, and shall state the time appointed for such meeting of the jury and designate briefly the proposed improvement, and may be issued as a single notice to all persons named in said writ or as a separate notice to every one of them, or to any two or more of them. Such notice shall be served upon the person or persons therein named, or his or their agent, by reading the same to him, her or them, and if any such person, or his, her or their agent can not be found in said town, the Mayor shall, upon affidavit thereof, made before him by such Marshal, direct such notice to be served by posting a copy of the same at the court-house door in said county of Cleveland for at least fifteen days immediately preceding the time appointed for the meeting of such jury, and upon such direction of the Mayor it shall be the duty of such Marshal to so post the same, and such posting shall, upon the expiration of the time in such order designated, be a sufficient service of such notice, and the party shall then be held to be duly notified of such proceeding. Such Marshal shall duly return such notices with his return thereon in writing endorsed, together with any such order of the Mayor, to said Board of Aldermen at its next meeting after the time appointed for the meeting of the jury; at the time appointed for the meeting of the jury such Marshal, or in case of his inability to do so, another Marshal or Deputy Marshal of said town, shall fill any vacancy which has occurred from any cause in the number of persons theretofore summoned as such jury with other competent jurors, and shall cause the jury as then constituted to assemble at the office of the Mayor of said town, where every one of them shall be sworn by such Mayor or other competent person to faithfully, truly and impartially assess the damages, if any, which, in their judgment, will be done to the property of every person named in the writ, and will also assess any special benefit, advantage or enhanced value which will be caused to the property of any person named in the writ. Immediately after the jury shall have been sworn they shall proceed, accompanied by such Marshal or Deputy Marshal, to view the land of every person named in the writ and shall assess the damages, if any, to every one of the premises which they have viewed. Said jury shall forthwith return to said Board of Aldermen, by filing with the

Notice of meeting of jury to be given land-owners.

Notice, how served.

Notice to be posted at court-house door.

Manner of marshal's return.

Vacancy, how filled.

Jury to be sworn.

Duty of jury.

Jury to make report.

clerk thereof, a statement in writing, signed by every one of them, or a majority of them, in case they can not agree, setting forth distinctly a full, itemized report of their proceedings, and stating separately the amount of damages or special benefits, or both, as the case may be, which they have assessed to every one of the premises so viewed by them. The Marshal in charge of said jury shall keep them together until they shall have agreed on the matters submitted to them as aforesaid, and have made and signed their report as aforesaid, or in case of their inability to agree, for twenty-four hours from the time of their return from viewing said premises to said office of Mayor, to which they shall so return in every case immediately for deliberation and until they shall have signed a report, as hereinafter specified, upon any disagreement. If such jury be evenly divided so that they are unable to agree on their report, or any part thereof, they shall make and sign a report stating that fact and setting forth such items as a majority of them have agreed upon, if any such there be, and the names of the persons as owners and the particular premises in regard to the damages, special benefit or enhanced value of which they are evenly divided, or in regard to which a majority of them can not agree, which report shall be filed in the same manner as the report hereinbefore provided for. On receipt of any such report showing any disagreement of the jury, said Board of Aldermen shall at its first meeting after the filing of such report direct the Mayor of said town to issue, and he shall thereupon issue under his hand and seal his order to a Marshal of said town to at once summon a jury, qualified for such duty as hereinbefore specified and of the same number as hereinbefore directed, to be composed of different persons from those who constituted the jury disagreeing, and such new jury shall proceed immediately after being sworn, as aforesaid, to take into consideration all parts of the report of the former jury on which that jury was not agreed and to view the premises in regard to which disagreements were had in the manner hereinbefore directed. Such course shall be continued from time to time until all the matters in such original writ directed to be decided shall have been determined. At the first meeting of said Aldermen after a complete report or reports upon the matters in said writs ordered to be made shall have been filed as aforesaid, said Board of Aldermen shall consider and pass upon such report or reports. If the Board of Aldermen shall determine that any item of damages so assessed is excessive it may reject such report or reports and discontinue the proposed improvement, and in case of such discontinuance no other proceeding shall within twelve months thereafter be commenced for a similar purpose in relation to any of the premises affected thereby, or any part of the same, without the written

Marshal to keep jury together.

Jury disagreeing, how to make report.

Jury failing to agree and making report of same, new jury to be summoned.

Duties of new jury.

Aldermen to consider and pass on reports.

Damages considered excessive, board may reject report.



Board may decrease or omit any item in reports.

May approve report.  
Lands condemned to vest in town.

Proceedings in case of appeal.

Special benefits or damages, how disposed of.

Owner or Board of Aldermen may appeal.

consent of the owner thereof. It shall be competent for said Board of Aldermen in passing upon any such report or reports to decrease or omit any item or items of special benefit or advantage or enhanced value therein contained if it think proper to do so. If said Board of Aldermen shall think proper it shall order such report or reports so modified by it as to special benefits or advantages or enhanced value approved, and the lands condemned in said proceedings shall vest in said town so long as they may be used respectively for the purpose of said improvements, so long as the amount of damages assessed to them respectively, decreased by the amount of special benefit, advantage and enhanced value so assessed against them respectively, shall have been paid or tendered to the owner or owners of such premises respectively, or deposited as hereinafter provided. In case of an appeal on an item, as hereinafter provided, such damages on the premises as to which such appeal is taken, decreased by the amount of special benefit, advantage and enhanced value assessed against the same, shall be deposited with the Clerk of the Superior Court of Cleveland County to be disposed of as so assessed, or as upon such appeal adjudged, subject to be reduced by any special advantage and enhanced value against such premises assessed as aforesaid or on such appeal. Any special benefit, advantage or enhanced value, so assessed against any premises, or any appeal adjudged against the same, unless paid or set off by damages assessed thereon, or on appeal adjudged on the same, shall upon such approval of the Board of Aldermen in case no appeal is taken upon such assessment of special benefits, advantage or enhanced value or damages, or upon final judgment in case of any such appeal, become and be a lien in favor of said town on said premises on which it has been so assessed or adjudged, as of the time when the Board of Aldermen passed upon the report regarding the same when said approval was had or appeal taken, and shall be paid to said town in equal installments, one, two and three years respectively after the completion of such improvements, or in case of appeal, and completion of such improvement before final judgment thereon, after such final judgment, and if any such installments shall remain unpaid for thirty days after maturity, all such installments then unpaid shall become due, and the premises so assessed or charged shall be sold for the payment of the same and the expenses of such sale and costs by the Tax Collector of said town, under the same rules, regulations, restrictions, rights of redemption, provisions and effects as are prescribed in this charter for the sale of real estate for unpaid taxes. Any owner of premises mentioned in any such report who is dissatisfied with the amount of damages assessed therein as done to said premises, or with any amount of special benefits, advantages or enhanced



value therein assessed against the same, or said Board of Aldermen, if dissatisfied with any item in said report may appeal on any item with which he, she or they are dissatisfied, from such report thereon or the action of the Board of Aldermen on such report, to the next term of the Superior Court of Cleveland County, by serving upon the adverse party a written notice of such appeal within ten days after said Board of Aldermen shall have so passed upon such report. On any such appeal the appellate court shall have power to increase, affirm or diminish the amount of the item appealed on, but not to adjudicate the necessity of the improvement, and such appeal shall in nowise hinder or delay the Board of Aldermen in making or carrying out the proposed improvement, but it shall be lawful for it to enter upon and use the property so condemned as and for such purpose at any time after the expiration of five days from the date when the amount of damages assessed by the jury, decreased by special benefits, advantage and enhanced value, as aforesaid, shall have been paid or tendered, or in case of appeal, deposited as aforesaid.

SEC. 48. Whenever any land, real estate, watercourse or right of way, whether or not within the limits of said town, shall in the opinion of said Board of Aldermen be required for the purpose of erecting, making or establishing reservoirs, dams or ponds, tanks or other receptacles of water, or for laying conduit, main or supply pipes of water, or the erection or construction of houses, stations or machinery to be used in so doing, for the use of said town, or its inhabitants, or for any other purpose connected with the successful operation of water-works in or for said town, and the owner or owners of such property and said Board of Aldermen can not agree as to the price to be paid therefor, the same may be condemned in the manner prescribed in this charter for the condemnation of land for streets, except only that when the property so condemned lies without the limits of said town the jury shall be composed one-half of competent jurors from within said town and the other half of competent jurors of said county of Cleveland from without said town. For the purpose of successfully establishing, constructing and operating the water-works hereby contemplated said Board of Aldermen shall have full power to extend such water-works or any branch or branches thereof beyond the limits of said town in any direction or directions which to it may seem advisable, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such water-works and any and all branches thereof beyond the limits of said town as they now or may hereafter be empowered to exercise within such limits. In case of the discontinuance of the property actually condemned for any of the purposes in this or the preceding section allowed and its reverting

When.

Notice of appeal, how served.

Powers of appellate court.

Appeal not to delay board in making improvements.

Aldermen may condemn land, watercourse or right of way for purpose of establishing system of city water-works.

Exception as to land outside of corporation.

Board of Aldermen may extend water works beyond town limits, and have full control of such extension.

Provisions in case of discontinuance.

to the original owners by reason thereof, said town shall have the right to remove therefrom any property, structure, machinery or improvement by it or under its authority erected, put or placed thereon.

Power to establish width, location, etc., of streets, sidewalks, etc

SEC. 49. Said Board of Aldermen may establish the width and ascertain the location of the streets, alleys and sidewalks of said town already established, and may reduce the width thereof or discontinue any of them. It may also establish, acquire, improve and control the parks or other pleasure grounds for the use of said town, and may pass ordinances for the proper protection, maintenance, management and control of the same. It may also protect and control the shade trees already growing or hereafter planted on the streets, public squares, public grounds, public alleys and sidewalks of or within said town, and may remove any such trees from time to time and plant others on such streets, public squares, public grounds, sidewalks and alleys as to said board may seem best. Said board may also permit the erection of telegraph poles, telephone poles, electric light poles and other poles upon the streets, public squares, public grounds, public alleys and sidewalks of said town or prohibit or prevent such erection of the same, and may control and regulate all such poles as shall have been or hereafter may be so erected and the use of the same at any and all times, and may remove or cause to be removed the same or any of them at any time or times, and in such manner and upon such notice as to it may seem proper. It shall also have power to regulate, control, license, prohibit and remove all structures, and things of whatever name or character erected, constructed, put or placed on, above or under the streets, public squares, public grounds, public alleys and sidewalks of said town.

Shade trees, how protected, etc.

Powers as to erection of telegraph, telephone, electric light and other poles.

Power to regulate and control structures on, above or under streets, etc.

Ordinances as to railroads, etc.

SEC. 50. Any railroad of whatever description, name or gauge granted by the Board of Aldermen of said town, and all ordinances thereof conferring any such privileges, franchises or charters, may be altered, amended, modified, repealed or revoked by said Board of Aldermen, from time to time, anything in such privileges, franchises, charters or ordinances to the contrary notwithstanding.

Conditions upon which railroad may construct and maintain its lines in said town.

SEC. 51. Any railroad of whatever description, name or gauge which has or may hereafter construct its lines of road or part thereof over any of the streets of said town shall maintain such road or part thereof or construct the same only upon the following conditions: It shall use only such rails and other material as the Board of Aldermen may designate; it shall properly grade, complete and pave the street between its rails in such manner as said Board of Aldermen may direct; it shall keep such streets between said rails in good condition and repair and in

such condition and repair as said Board of Aldermen may from time to time order, so long as it shall use the same; if it fail to comply with any of the provisions of this section, or to keep any of such streets in condition and repair as aforesaid, said Board of Aldermen may cause anything to be done which said railroad has so failed to do, and the costs thereof shall be charged against such railroad and constitute a lien from the commencement of the work paramount to every other lien upon the charter and franchise of such railroad and upon all the property of whatever kind of such railroad in said county of Cleveland, and such property may be sold for the payment thereof in the manner herein prescribed for the sale of property for taxes; and any such failure on the part of said railroad shall operate as a forfeiture of its right to use said streets, or any of them, or any part of any of them, as such Board of Aldermen may determine.

Failure of railroad to comply with provisions of this act, power of Board of Aldermen.

May sell property of railroads, when.

SEC. 52. Said Board of Aldermen may from time to time buy, build and construct in said town such system or systems of water-works, water-pipes, sewerage and sewer-pipes and extension of the same as to it may seem advisable, or cause the same to be laid, built and constructed, and shall keep the same in proper condition and repair, with proper connections, and make all necessary provisions for so doing, and shall control, and regulate such system and every part thereof, and may require the owner or owners of any improved lot in said town on any public street or alley where such water and sewer-pipes have been laid or are conveniently accessible, or on any line of pipes to connect such lot with such sewer and water-pipes; and upon failure of the owner or owners to so connect the same, said Board of Aldermen may enter upon such lot and make connections and charge the costs thereof against said lot, and cause the same to be entered in a book by the clerk thereof to be kept for that purpose; and said clerk shall place in the hands of the Tax Collector of said town copies of such charges, and said Tax Collector shall immediately proceed to collect the same and account therefor in the same manner as taxes of said town. The amount of such charges shall constitute from the commencement of the work for which they are charged liens upon the respective lots upon which they are respectively charged, and if any of them are not paid upon demand so much of the lot upon which charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be advertised and sold by the Tax Collector for the payment of same, under the same rules, regulations, rights of redemption, excepting and in the same manner as are prescribed in this act for the sale of real estate for unpaid taxes.

Power to construct and maintain water-works sewerage system, etc., and regulate, same.

Record to be kept.

Charges to be liens upon property.

Charges not paid, property may be sold by Tax Collector.

SEC. 53. When any land or right of way within or without the limits of said town shall in the opinion of the Board of Aldermen thereof be required for the purpose of laying sewer-pipe or

Lands may be condemned for sewerage purposes.

Sewerage system may be extended beyond town limits.

Mayor and Board of Aldermen may buy, maintain and operate electric plant for a lighting system.

May condemn land for purposes of locating electric plant, etc.

Manner in which land to be condemned.

Empowered to contract with Electric Light Companies.

May take necessary measures to prevent entrance or spread of diseases, establish and regulate hospitals, etc.

making man-holes, or for any other purpose connected with the successful operation of such sewer system or systems, and the owner or owners of such property and the Board of Aldermen can not agree as to the damage by reason thereof, the same shall be condemned and damages assessed therefor in the manner hereinbefore prescribed for the condemnation of land for water-works and streets or purposes connected therewith. For the purpose of successfully constructing and operating such sewer system or systems, said Board of Aldermen shall have power to extend the same and any branch or branches thereof beyond the limits of said town in any direction or directions as it may think proper, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such sewer system or systems and all branches thereof, whether within or without the limits of said town, as to it shall seem proper.

SEC. 54. The Mayor and Board of Aldermen of the town of Shelby are hereby authorized and empowered, in their discretion, to buy, maintain and operate an electric plant or other plant for the purpose of furnishing light to the inhabitants of said town, and they are authorized and empowered to charge therefor such prices as they shall deem fair and reasonable, and to provide for the collections of the rents, or they may have the same erected, maintained and operated by contract or grant of franchise. When any land or right of way within or without the limits of said town shall in the opinion of the Board of Aldermen of said town be required for the purpose of erecting or carrying on or having the same erected and carried on, said electric or other light system in said town of Shelby, or for any other purpose connected with the successful operation of said system, and the owner or owners of such property and the Board of Aldermen can not agree as to the damages by reason thereof, the same shall be condemned and the damages assessed therefor in the manner hereinbefore prescribed for the condemnation of land for water-works or purposes therewith connected or for purposes connected with streets. And said Board of Aldermen are empowered to contract with any electric light company or other light company, now existing or which may hereafter be organized or formed, to furnish lights for the streets and public buildings of said town and may pay such price therefor as they may deem advisable.

SEC. 55. That they may take such measures as they may deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious diseases; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof;

may cause any person in the town suspected to be infected with such disease and whose stay may endanger its health to be removed to the hospital if the town have one; if not, where the Mayor may direct; may remove from the town or destroy any furniture or other article which may be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health. That in case any person shall be removed to the hospital or to the place directed by the Mayor the corporation may recover before the Mayor or any Justice of the Peace of such person, the expense of his removal, support, nursing and medical attention, and burial expenses also, in case of death. That if any person shall attempt by force or by threat of violence to prevent the removal to the hospital or place selected by the Mayor aforesaid, of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the town one hundred dollars and moreover be deemed guilty of a misdemeanor.

Cost of removing person to hospital, nursing and care of, how recovered.

Penalty for attempt to prevent removal to hospital of person ordered there.

SEC. 56. Said Board of Aldermen may require and compel the abatement of all nuisances in said town at the expense of the person causing the same or the owner or the tenant of the land whereon any such nuisances shall be, or may itself abate the same or cause the abatement thereof; it may also prohibit or license or regulate the establishment within said town of any slaughter-house, or house for the storage of any explosive, unhealthy, dangerous or noxious substances, or the storage of any such substances in any quantities whatever in said town or within one hundred yards of its corporate limits, or the exercise therein of any dangerous, noxious, offensive or unhealthy trade, business or employment, if the owner, agent, tenant or occupant of any premises in said town or on or in connection with which any nuisances shall be committed or about to be committed, shall refuse, fail or neglect to comply with any order of said Board of Aldermen 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 such offence upon conviction be fined fifty dollars or imprisoned for more than thirty days; and such Board of Aldermen may at any time proceed to remove, abate, prevent or discontinue such nuisances and the costs of so doing shall be charged upon such premises and constitute a lien thereon paramount to all liens except taxes and assessments of said town from the time of so doing, and shall be collected in the same manner in all respects as liens for the expense of constructing sewer connections as hereinbefore provided.

Power to abate nuisances.

Slaughter-houses.

May regulate or prohibit storage of dangerous or explosive substances.

Offensive trades.

Misdemeanor to violate such regulations and ordinances.

Penalty.

Costs of abating nuisances, how collected.

Fire limits may be established.

SEC. 57. Said Board of Aldermen may establish fire limits in said town with which it shall be unlawful for any person or persons to erect, construct or repair any buildings of wood or other material inflammable or peculiarly subject to fire.

May provide for establishment, organization, equipment and control of fire companies.

SEC. 58. Said Board of Aldermen may provide for the establishment, organization, equipment, management, regulation, government and control of all fire companies of any kind or kinds in said town; may purchase and maintain all necessary buildings, outfits, animals, wagons, tools, implements, machinery and other articles and things of any kind or kinds for the efficient maintenance, control, and operation of the same. In all cases of fire or conflagration in said town a majority of the members of the Board of Aldermen who may be present shall, if they shall deem it necessary in order to arrest the progress of such fire or conflagration, may cause any house to be blown up or pulled down or destroyed or removed, in whole or in part, under their supervision, and none of them shall be responsible to anyone therefor when any such act is so caused to be done in good faith.

Powers of aldermen to blow up buildings, etc., in case of fire.

Members of volunteer fire companies not to pay town poll tax or street tax.

SEC. 59. No member of a fire company in said town who receives no compensation for his services as such shall be liable to pay any poll tax therein while in good faith belonging to such company, or during such period pay any street tax therein which may be by law imposed other than assessments on property for sewer improvement.

Authority to issue bonds.

SEC. 60. The Board of Aldermen are authorized to issue bonds under and as provided by chapter 175. Private Laws of 1899, for the purposes and in the manner in said act set forth, and said chapter 175, Private Laws of 1899, remains in full force and effect.

Provisions for payment of town debts and liabilities.

SEC. 61. All debts and liabilities of said town heretofore or hereafter contracted or incurred shall be paid and discharged alone by taxation upon subjects properly taxable by it to the extent allowed by law, and no such debt or liability shall be subject to be levied upon or collected by execution against said town or any property, real or personal, held by it, and no execution therefor shall issue against said town or any judgment obtained thereon.

Town not to be liable for costs of appeals in criminal actions.

SEC. 62. In no case where a defendant in any criminal prosecution shall have appealed from the judgment of the Mayor of said town shall said town be adjudged in such appellate court to pay the costs of such prosecution or any part thereof, whether upon such appeal such defendant shall be convicted or acquitted or such judgment appealed from, reversed or affirmed.

Board of Aldermen may borrow money for necessary expenses of town.

SEC. 63. Said Board of Aldermen may borrow in any fiscal year a sum or sums of money not exceeding in the aggregate fifteen hundred dollars outstanding at any one time, in such amount as the same may be needed for the necessary expenses

of the town, at a rate of interest not exceeding six per centum, and execute therefor the note or notes of said town, sealed with the seal of said town, and to be in such form as the Board of Aldermen may from time to time prescribe; but such aggregate sum shall not, in any fiscal year, exceed the aggregate taxation of said town for that year on general subjects of taxation therein, and all such loans shall be paid out of the general taxes for that year, and no such loan shall be made to become due at a date later than the expiration of the fiscal year in which it is made, and no sum whatsoever shall be borrowed under the provisions of this section until all preceding loans made thereunder in any previous year or years shall have been paid in full of principal and interest.

Loans, how to be paid.

SEC. 64. That the Mayor shall be entitled to charge such fees in cases brought before him, and whereof he may have jurisdiction, as are prescribed by law for Justices of the Peace; he shall charge the same fees as are allowed by Justices of the Peace, not only in cases in which he has final jurisdiction, but also in all cases in which he may act and the parties are bound or recognized to the Superior Court of Cleveland County or any other county in the State upon appeal, or in which he acts as a committing magistrate in which he has not final jurisdiction. In addition thereto he shall also be entitled to charge twenty-five cents for each and every certificate, twenty-five cents for each and every official seal, except when the seal is used for the benefit of the town, in which case no charge shall be made for the seal. The fees of said Mayor shall be taxed in all cases in the manner and as prescribed to be taxed by the law of the State for Justices of the Peace.

Mayor's fees in trials of criminal actions.

Additional fees.

SEC. 65. The Marshal or Marshals and Policeman or Policemen as well as special Marshals or Policemen, shall receive the same fees as are now prescribed by law or may hereafter be prescribed for Sheriffs and Constables for like service, together with such other compensation as the Board of Aldermen may see proper to give, but said Board of Aldermen shall not be required to give or pay anything, and in event they do not, said fees as prescribed for Sheriff and Constables shall be all said Marshals or Policemen shall receive for the performance of said duty.

Fees of marshal and policemen.

SEC. 66. Wherever any arrest is made by an officer of said town he may summon any of the by-standers or other person having information in regard to the matter for which such arrest is made as witnesses to attend as such at the hearing of the charge upon which such arrest is made, and any such summons shall be effectual and binding in the same manner as if made by subpoena for such person so summoned duly issued and served in such causes.

Officer making arrest may summon bystanders as witnesses.



Action or demand against town, how brought.

SEC. 67. No action shall be instituted or maintained against said town or demand whatsoever of any kind or character until the claimant shall have first presented his or her claim or demand, in writing, to said Board of Aldermen and said Board of Aldermen shall have declined to pay or settle the same as presented; or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

Actions for damages against town must be instituted within ninety days after cause of action accrues.

Must give notice to board of injury, etc.

SEC. 68. No action for damages against said town of any character whatever, to either person or property, shall be instituted against said town, unless within ninety days after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the Board of Aldermen of said town of such injury, the manner of such infliction, the character of the injury and the amount of damages claimed therefor; but this shall not prevent the statute of limitation prescribed by law from commencing to run at the date of the happening or infliction of injury or in any manner interfere with the running.

No druggist to sell spirituous liquor except for medical purposes and upon prescription.

SEC. 69. (1) No druggist shall sell or otherwise dispose of any spirituous, vinous, or malt liquors within the corporate limits of the town of Shelby except for *bona fide* medical purposes and upon the prescription of a practicing physician known to such druggist to be of reputable standing in his profession or recommended as such by a physician who is so known, which prescription shall be in writing, signed by such physician, and shall specify the name of the person to be supplied and quantity and dose, and no physician shall give a prescription to any drug store in which he is financially interested. Any druggist who shall violate the provisions of this section and any physician or other person who shall give, procure or aid in procuring any false or fraudulent prescription for any spirituous, vinous or malt liquors in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Prescription to be signed by physician; requisites, etc.

Misdemeanor to violate provisions of this section.

Penally.

Druggist to file prescriptions.

(2). Such prescriptions shall be kept on file by the druggist filling same and said prescription shall be open to the inspection of the Mayor and the Marshal or any citizen of the town of Shelby at all times, and any druggist violating the provisions of the section shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Failure a misdemeanor.

Penalty.

Conviction not to bar prosecution in Superior Court.

(3). That a conviction under paragraph one foregoing shall not bar a prosecution in the Superior Court for a violation of the general laws against selling whiskey.



SEC. 70. That the violation of any such ordinance or ordinances which may be passed by the Board of Aldermen of the town of Shelby, under and by the authority granted by this charter, shall be a misdemeanor, and punishable by a fine of not exceeding fifty dollars, or imprisoned for a period of not exceeding thirty days, and as such shall be punishable by any court of the State having jurisdiction.

Violation of town ordinances made a misdemeanor.

Punishment prescribed.

SEC. 71. That all laws and clauses in conflict with this act are hereby repealed in so far as this act is concerned.

Conflicting laws repealed.

SEC. 72. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

#### CHAPTER 195.

#### AN ACT TO INCORPORATE THE UNITED AMERICAN FREEWILL BAPTIST DENOMINATION (COLORED).

*The General Assembly of North Carolina do enact:*

SECTION 1. That G. F. Suggs (colored), W. H. Hodges (colored), G. B. McNeill (colored), T. W. Clark (colored), Starr Hicks (colored), J. H. Isler (colored), W. R. Loftin (colored), A. Blount (colored), Noah Hardy (colored), W. R. Barrow (colored), O. W. Williams (colored), P. J. Becton (colored), and Toney Drawhorn (colored), and their successors and associates be and they are hereby constituted and made a body corporate and politic for a period of forty years under the name and style of the United American Freewill Baptist Denomination (Colored), and by that name may sue and be sued, both at law and in equity, plead and be impleaded in all the courts of law and equity, and may purchase and hold by gift, grant or otherwise and sell and convey real estate, personal property, goods and chattels, whatsoever may be necessary to the objects of this incorporation.

Incorporators.

Corporate existence.  
Corporate name.  
Corporate powers.

SEC. 2. They shall have power to make and use a common seal and to alter the same at will, and they are hereby invested with all of the power necessary for the advancement of the Christian religion, and establishing schools, which in their discretion may be conducive to the objects of this incorporation.

May have common seal.

May establish schools for advancement of Christianity.

SEC. 3. The annual income of the incorporation shall not exceed fifty thousand dollars, and all property and estate, real or person, which at any time may come into the control and pos-

Annual income.

session of the corporation shall be faithfully and honestly applied to the promotion of the cause of the denomination and to the establishment of schools, etc.

May enact necessary by-laws.

SEC. 4. That said corporation shall have the power to enact all necessary by-laws for the government of said corporation and do such other things and perform such other acts as appertain to such bodies, corporate and politic, not inconsistent with the Constitution and laws of the United States, and of the State of North Carolina.

Shall choose and elect officers, fix term of office, etc.

SEC. 5. That said corporation shall have the power to choose and elect all necessary officers for the control and management of said corporation, whose term of office shall continue as shall be provided for in the by-laws of said corporation, and such officers shall have the power and privilege, rights and immunities incident to similar corporations.

Meetings may be held annually or triennially.

SEC. 6. That said corporation shall have the right to hold its meetings annually or tri-annually or special meetings at its will and pleasure at any time and place within this State or in any State or Territory of the United States, and shall have the right to choose any of its officers therefrom.

First meeting, where held and when.

SEC. 7. That said corporation shall hold its first meeting after the passage of this act in and at St. John's Church (colored) in the town of Kinston, Lenoir County, North Carolina, on Wednesday, the 8th of May, 1901, at 10 o'clock a. m., or at such other times and places as G. F. Suggs (colored), W. H. Hodges (colored) and G. B. McNeill (colored), or any two of them, may determine by giving to all of the incorporators mentioned in this act reasonable notice of the time and place of said meeting.

Notice to be given.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1901.

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#### CHAPTER 196.

### AN ACT TO INCORPORATE THE WHITE OAK RIVER AND ONSLOW TRAMWAY COMPANY.

Incorporators.

SECTION 1. That J. F. Prettyman, J. M. Jones, C. B. Frazelle and George Moore, together with such other persons as may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name

of the White Oak River and Onslow Tramway Company. The said corporation shall have the right to adopt a common seal, and to alter the same at will; to sue and be sued; to plead and be impleaded in the Courts of the State; to contract and be contracted with; to acquire, own, hold, lease and convey real and personal property; to make all necessary by-laws and regulations for the proper government of the corporation, and in general to have and employ all the rights, privileges and immunities which corporate bodies may lawfully exercise under the laws of this State.

SEC. 2. That the capital stock of the said corporation shall be two thousand (\$2,000) dollars, divided into shares of the par value of one hundred (\$100) dollars each, but the capital stock may by a vote of the majority in interest of its stockholders be increased to a sum not exceeding twenty thousand (\$20,000) dollars.

SEC. 3. That the said incorporators or any three of them may open books of subscription, receiving subscriptions to the capital stock of said company; and as soon as twenty-five (25) per cent of said stock shall have been subscribed, a meeting of the subscribers shall be called by the said incorporators at such time and on such notice as to the incorporators may seem proper; and the subscribers shall at such meeting have the power to organize the company by the election of a president and Board of Directors and such other officers as to them may seem proper, and by adopting such by-laws, rules and regulations for the government of its affairs as may be lawful and necessary.

SEC. 4. That no stockholder shall be individually liable for the debts of the corporation.

SEC. 5. That said corporation shall have full power to accept, buy, hold, lease, sell, and otherwise acquire and dispose of real and personal property of all kinds; to lay out, build, construct, maintain and operate by steam or otherwise a tramway or tram-road from some convenient point on the water of Grant's Creek, a tributary of White Oak River, to some point on the Wilmington, New Bern and Norfolk Railroad, in the county of Onslow, and to build lateral lines or extensions to convenient and suitable points on the waters of New River, Queen's Creek and Bear Creek, and to that end the said company shall have the right to acquire by purchase or by condemnation proceedings as is prescribed in chapter 49 of The Code, and the amendments thereto relating to condemnation of lands for railroad purposes in this State, any and all rights of way or other real property or interest therein necessary to the construction and operation of the said lines: *Provided*, that no right of way by condemnation proceedings shall be more than fifty (50) feet in width, and said company shall

Corporate name and powers.

Capital stock.

Subscription books to be opened.

Stockholders' individual liability.

May acquire, hold and sell real estate.

May build and operate tramway.

May condemn lands for right of way, etc.

have the right to transport and convey over its road, all timbers, lumber or other freight necessary for the prosecution and operation of its business.

May lease, sell or otherwise dispose of its lines.

SEC. 6. That the said corporation shall have the right to lease, sell or otherwise convey the said line or lines of tramway.

Time to begin construction.

SEC. 7. That the said corporation may begin the construction of its tramway at any time within three years from the ratification of this act, and that the corporate existence of the company shall continue for a period of fifteen (15) years.

Corporate existence.

Principal office.

SEC. 8. That the principal office of the corporation and the place of holding its annual meeting shall be at Swansboro, Onslow County, North Carolina.

Conflicting laws repealed.

SEC. 9. That all laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

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#### CHAPTER 197.

### AN ACT TO INCORPORATE THE RALEIGH AND VIRGINIA RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. T. G. Skinner, W. D. Pruden, of North Carolina; Hugh L. Pope and E. P. Duer, of Maryland; Hiram R. Burton, of Delaware; C. H. Causey, Jr., and Geo. L. Barton, of Virginia, and such other persons as they may hereafter associate with them, their successors and assigns, be and they are declared and made a body politic and corporate, under the name and style of the Raleigh and Virginia Railway Company, for the purpose of building and operating a railroad from Raleigh to some point on the Virginia line in Northampton County, North Carolina, which company may have a common seal, may contract and be contracted with, sue and be sued, buy and sell such property, real and personal, as may be necessary and proper in its business from time to time, and do such other thing and have all such powers as it may deem necessary properly to carry out the business of its incorporation which are not inconsistent with the law of the land.

Corporate name.

Corporate purposes and powers.

Authority to construct line of railroad.

SEC. 2. That said company shall have the power and authority to construct, maintain and operate a railway of one or more

tracks to be used with steam or other power, along such route as it may select and lay out between the points named in the first section, hereof, through any or all of the counties of Wake, Franklin, Nash, Warren, Halifax and Northampton, for the purpose of transporting passengers and freight. That said company shall have power to connect its said road with any other road it may construct and operate under the authority of the State of Virginia from its northern terminus, or with any road built or owned by any other company at the same point. It shall have the power to build and connect with its main track at such points as it may think proper branch roads of not more than twenty miles in length and maintain the same under the same management, and to have, own and run in connection with its business such boats moved by steam, sails or other power, and such ferries and boat lines as it may think proper.

May connect its line with line of other roads.

May build branch roads.

May operate steam and sail boats.

SEC. 3. The capital stock of said company shall not be less than five hundred thousand dollars, nor increased beyond three million dollars, to be divided into shares of the par value of one hundred dollars each, and to procure the same any two of the above-named corporators may receive subscriptions to the same in money, or in bonds, land or material, on such terms and at such valuation as the parties may agree.

Capital stock.

Par value of shares, \$100.

Subscriptions to capital stock.

SEC. 4. That whenever fifty thousand dollars of the capital stock shall have been subscribed and five thousand dollars thereof paid in, the stockholders may meet and organize. They shall elect not less than five nor more than nine directors, who shall select from among their number a president and a vice-president, and appoint such officers and agents as they think proper. The directors may also adopt such by-laws as they shall deem proper.

Time of meeting for organization.

Directors to be elected.

Directors to elect president and vice-president, etc.

May adopt by-laws.

SEC. 5. That said company shall have power to enter upon any land through which it may think it necessary to make the said road, and to lay out and construct the same, but before the title to the land so entered shall vest in the company, the owner thereof shall be paid for the same such sums as the parties may agree upon, or as may be assessed in his favor as herein provided. If the parties for any cause are unable to agree upon the compensation to be paid, either party may apply to the Clerk of the Superior Court of the county in which the land lies, who shall at once appoint three competent freeholders, whose duty it shall be to examine the matter and assess the damages to be paid and in estimating such damages, said Commissioners shall consider the increased value of the land likely to be caused by the running of said railroad. The Commissioners within five days after their appointment shall meet for the purpose of performing their duties, and to that end may go upon the premises and may take testimony. They shall forthwith make their report in writing over their hands and seals to the said Clerk; either

Power to enter on lands.

Owner to be paid before title shall vest in company.

Company unable to agree with land-owner as to price, Clerk of Superior Court to appoint three freeholders to assess value. Damages how estimated.

Commissioners to meet in five days after appointment.

To make report to clerk.

Either party may except and appeal.

Exceptions to report must be filed in ten days.

When report confirmed, company to pay damages assessed to owner, or into court for his benefit.

Title to vest on payment of damages.

Judgment sufficient conveyance.

Rights of infants and persons non compos mentis protected as in special proceedings before clerk.

Width of track to be condemned, etc.

Depot, stations, etc., sufficient land may be condemned for.

Proviso.

May cross navigable streams, public roads, etc.

Proviso.

Any part of road completed company may transport passengers and freight, and collect fares, etc.

May issue bonds.

May consolidate with other roads and companies.

May buy other roads or sell to other roads.

When work to begin.

party, if not satisfied, may except and appeal to the next term of the Court, but unless exceptions be filed thereto in ten days from the filing of the report, it shall stand confirmed, upon appeal to the Superior Court judgment shall be entered there. When the report is finally confirmed the company shall pay the damages assessed to the owner of the land or into Court for his benefit and forthwith the title to the land shall vest in said company and said judgment shall be a sufficient conveyance of the same. If any owner of land condemned be an infant, or *non compos mentis*, the rights of such persons shall be protected in this proceeding, as is provided in special proceedings before the Clerk. The width of tract to be condemned as above for right of way shall be fifty feet on each side of the centre of the track, but in addition to this, said company may condemn in the manner herein provided for depots, stations, coal yards, water tanks and other needs of the company in conducting its business, such land as is necessary for these purposes: *Provided*, said company shall not have the power to enter upon or condemn for the purposes aforesaid any churchyard, graveyard, yard or garden whatever, without the consent of the owners thereof.

SEC. 6. That said company shall have the right to cross any navigable stream in its route by putting in its bridge a sufficient draw to prevent obstruction to navigation, also any public road and railroad: *Provided always*, that it shall be its duty to provide and keep proper and safe crossings at such points.

SEC. 7. That whenever any part of the said railroad is completed, the company shall have the right to transport over it passengers and freight and to charge therefor reasonable fare, freight and tolls.

SEC. 8. That said company shall have the right to issue bonds in such amounts as it may see fit from time to time and to secure the same by mortgage or trust deed upon its property and franchise or any part of the same, for the purposes of the company. This company may consolidate its capital, property, privileges and franchises with any other railroad company whenever the stockholders of this company may so determine, and such other companies may in like manner consolidate with this, and this company may likewise buy other roads or sell to such, upon terms satisfactory to the stockholders of the contracting companies and may conduct and carry on the business of the companies combined under the name and powers herein given. Work shall be begun on this road within five years and completed within ten years from this date or this charter shall become void.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 198.

## AN ACT TO INCORPORATE THE WINSTON AID AND BENEVOLENT ASSOCIATION OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. S. Hill, Rev. G. W. Holland, Rev. J. C. Alston, Rev. J. D. Diggs, Rev. G. W. Johnson, Emanuel Eccles, C. H. Jones, S. G. Atkins, J. W. Lewis, Dr. H. H. Hall, Dr. W. T. Fuller, J. F. Hughes, P. W. Easley, F. W. Wright, J. H. Brim, A. R. Bridges, J. S. Fitts and James S. Lanier, and their successors, associates and assigns, be and they are hereby incorporated and created a body politic and corporate, under the name and style of "The Winston Aid and Benevolent Association of North Carolina," and by such name shall have all the powers granted to corporations by sections six hundred and sixty-three (663), six hundred and sixty-four (664), six hundred and sixty-five (665), of chapter sixteen (16), of The Code, entitled "Corporations."

SEC. 2. That the object being to establish in the State of North Carolina a "Winston Aid and Benevolent Association," with its head office at the city of Winston-Salem, North Carolina, 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, certificates of membership or other writing showing or setting forth such membership, and the benefit to be derived therefrom and to receive such premiums, and in such amounts and at such times either weekly, monthly, or otherwise, as to them shall seem best to effectuate the purpose of the association, and the said association is hereby further authorized to establish such branch office or offices, in this State, as in them shall seem proper, and to establish local offices in any other State of the United States, subject to the law or laws of the State in which they so do business.

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 fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary to carry out the object 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 of the association.

SEC. 5. That two-tenths (2-10) of one per cent of any and all money or moneys obtained as premiums of the association shall

Incorporators.

Corporate name.  
Corporate rights.

Corporate object.

May issue policies or certificates of membership and receive premiums thereon.

May establish branch offices, in this or other States.

May hold real and personal property not to exceed \$50,000.

Private property of members exempt from liability for corporate debts.

Part of premiums to be donated to Colored Orphan Asylum, and Slater Normal and Industrial School Hospital, North Carolina, equally.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

CHAPTER 199.

AN ACT TO INCORPORATE YADKIN VALLEY INSTITUTE, IN YADKIN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Former name retained. SECTION 1. That the name of the Institution known at present as Yadkin Valley Institute, shall hereafter be known as the same,

Incorporators. and that J. L. Spears, P. C. Woodhouse, J. H. Fleming, M. L. Woodhouse, A. P. Woodruff, M. M. Crumel, F. W. Day, S. H. Wilmoth, W. J. Fleming, and R. B. Horn, and their associates and successors in office, be and they are hereby created a body politic

Corporate name. and corporate, under the name and style of "Yadkin Valley Institute," of Yadkin County, State of North Carolina, and as such

Corporate powers. they shall have all the corporate powers, rights and immunities of similar institutions. The trustees of the said Institution may plead and be impleaded, sue and be sued, use a common seal, make such by-laws and regulations and rules as they, the said trustees and their successors, may deem best, not inconsistent with the laws of the United States or of the State of North Carolina, and shall have and hold all estate, property and funds now belonging to said Institution, and shall have and hold all property, funds, money, donations, legacies, and devices which may hereafter be granted, given, conveyed, bequeathed and devised to said Institution in trust for the use and support of said Institution.

Corporate property, real and personal, exempt from taxation. SEC. 2. That the property, real and personal, of said corporation shall be exempt from taxation and assessment, and shall be entitled to the benefits of the provisions of law relative to charitable institutions: *Provided*, that such real and personal estate shall not exceed fifty thousand dollars.

Proviso.

Trustees to elect treasurer, secretary and other officers. SEC. 3. That said trustees and their successors are and shall be authorized to elect a chairman, a treasurer, a recording secretary, a principal and such other officers, as may, in their judgment, be necessary to serve the purposes and to carry into effect the objects of said Institution.



SEC. 4. That the Board of Trustees shall be composed of five members, elected by the stockholders of said Institution, who shall hold for a term of two years, or until their successors are elected, unless removed by death, resignation or improper conduct, and said vacancies thus occurring may be temporarily filled by appointment by the chairman of Board of Trustees: *Provided*, that in the election of trustees by the stockholders there shall be at least one-half of said stock represented.

Number of trustees, how elected.

Term of office.

Vacancies, how filled.  
Proviso.

SEC. 5. That the Board of Trustees shall faithfully apply all funds by them collected and received, according to their best judgment (except in case of donations and gifts, then in accordance with request of said donors) in erecting and equipping suitable buildings for the said Institution and for the beautifying of the grounds of the same.

Board of Trustees to apply funds, etc., for erecting buildings, etc.

SEC. 6. That the treasurer shall always before entering upon the duties of his office give bond in such penal sum as the Board of Trustees may direct, and with such sureties as they shall approve.

Treasurer to give bond.

SEC. 7. That any person may on the payment of ten dollars to the said treasurer become a member and a stockholder of said corporation, and that said party shall be entitled to one vote for each ten dollars so paid in.

Who may become a member or stockholder.

Ten dollars in stock entitles stockholder to one vote.

SEC. 8. That the value of each share shall be ten dollars, and that the trustees of said Institution shall upon request issue a certificate of stock, which shall be signed by the chairman and secretary of Board of Trustees, to all persons who have heretofore contributed, or who may hereafter contribute to the purchase or improvement in any way of said school property to the full amount so contributed, in no case to be less than ten dollars.

Value of shares \$10.

Trustees may issue certificates of stock.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 200.

#### AN ACT TO AMEND CHAPTER 107, PRIVATE LAWS 1891.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three (3) of chapter one hundred and seven (107), of the Private Laws of 1891, be amended by striking out all after the word "cemetery" in line twelve (12) of said section, to and including the word "creek" in line thirteen (13)

Section 3, Chapter 107, Private Laws of 1891, amended.

Amendment.

of said section, and inserting in lieu thereof the words "thence a direct line towards John Campbell's residence to a point ten feet south of the W. N. C. Railroad track, then west parallel with the line of said railroad to Break-neck Branch, at a point ten feet south of said track, then with said branch to Hunting Creek."

Effective from ratification.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

# CHAPTER 201.

## AN ACT TO INCORPORATE THE SOUTH AND WESTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That William E. Worth, Walker Taylor, M. W. Thompson, W. T. Shay and A. J. Hines, and such other persons as may become connected and associated with them as stockholders, and their successors, be and they are hereby created a body politic and corporate under the name of "South and Western Railway Company," and by and in that name shall have the right to sue and be sued, plead and be impleaded in any court of law or equity; to have a common seal; shall have the right to make and pass such by-laws and regulations for its government as may be deemed expedient for its purposes; have the right to purchase, hold and acquire for the purposes of the company, by gift, devise, or in any other manner, any estate, real, personal or mixed, and to hold, operate, lease, mortgage, or sell the same as the interests of said company may require; and shall have all the rights and privileges possessed and enjoyed by other railroad companies under the laws of North Carolina, and such as are specially conferred by chapter forty-nine (49) of The Code, volume first, and all amendments thereto.

Corporate name and corporate powers.

May purchase and hold real, personal or mixed property.

Chapter 49 of Code, applicable.

May construct roads from Southport or Wilmington to any points on the South Carolina, Tennessee and Virginia State lines.

SEC. 2. The said company shall have power to construct a railroad of any gauge, with one or more tracks, from the city of Southport, Brunswick County, North Carolina, or Wilmington, North Carolina, to any point on the South Carolina line dividing North Carolina from the State of South Carolina, or to any point on the Tennessee line dividing Tennessee from the State of North Carolina, or to any point on the Virginia line dividing North Carolina from the State of Virginia, between the counties of Rockingham and Madison, both inclusive, through any of the

counties of North Carolina along the proposed line of road, and shall have the right to build one or more branch lines from either Wilmington or Southport to any point on the Atlantic Ocean, in said State of North Carolina.

May build branch lines.

SEC. 3. That said company, in its discretion, before constructing its main line, shall have the right to build any portion or all of the branch line or lines contemplated; that said company may construct a part of said road without completing the entire main line, and may build its road by such route as it deems most advantageous and expedient, and shall have the right to cross navigable streams or canals on its route: *Provided, however,* a draw sufficient not to impede navigation is placed in its bridges over such streams or canals.

May construct any or all of its roads in its discretion, or a part thereof.

Right to cross navigable streams and canals.  
Proviso.

SEC. 4. The capital stock of said company shall not be less than one hundred thousand dollars (\$100,000), divided into shares of one hundred dollars (\$100) each, but may be increased from time to time, as the demands of the said company shall require, to an amount not exceeding twenty-five million dollars (\$25,000,000).

Capital stock divided into shares of \$100 each.

SEC. 5. That the corporators named may open books of subscription to the capital stock of the said company in the city of Wilmington, North Carolina, and as soon as one hundred thousand dollars (\$100,000) of the capital stock shall have been subscribed for, they shall call a meeting of the subscribers and organize said corporation by the election of a board of not less than five directors, and one of their number shall be chosen by the board as president. The board may do and perform all other acts necessary to the complete organization and operation of said corporation, and carry into effect all the objects of this charter.

May open subscription books in City of Wilmington, N. C.

Meeting for organization and election of directors and elect president.  
May perform other necessary acts.

SEC. 6. That the said corporation shall have power for the construction and successful operation of said railway, to make connection with any railroad now entering the said city of Wilmington or the State of North Carolina, and may lay down and use tracks through the cities of Wilmington and Southport, and make connection with the depots of any railway or steamboat companies within said cities or said State, under such rules, regulations and conditions as may be prescribed by the Board of Aldermen of said cities and laws of said State, and may construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and may charge and collect such pay for messages as said corporation may determine upon, subject to the rules and regulations of the Corporation Commission of the State of North Carolina, and may lease, rent, mortgage or sell this right, and any telegraph or telephone lines constructed or owned by the said corporation.

May connect with other roads entering city of Wilmington or State of North Carolina.

May connect with depots of other railway and steamboat companies.  
May construct and operate telegraph lines.

May cross tracks of other railroads, etc.

SEC. 7. That the said company shall have the power to cross the tracks of other railroads, and connect with any railroad now or hereafter chartered, and to lay down and use tracks through any town or city along the proposed line, by and with the consent of the corporate authorities of said towns and cities, upon such terms as they may prescribe.

May acquire and hold necessary lands.

SEC. 8. That the said company shall have power to acquire and hold such lands as it may deem necessary for its purposes in the said city of Wilmington or Southport, and in any other town or towns, counties or townships along its proposed route, and shall specially have the right and power to acquire or guarantee the stocks and bonds, or either, of any inland, coast or ocean transportation company or companies operating to or from any point or points on its lines, and it may develop or aid in the development of its business by building piers, coal docks, elevators, ocean steamers, or by acquiring or guaranteeing the stocks and bonds, or either, of hotel, lighterage, wharf, elevating or other such enterprises convenient in connection therewith or as a part thereof.

Have special power to guarantee stocks and bonds of certain other companies.

May build piers, coal docks, ocean steamers, etc.

May connect with, subscribe to capital stock or bonds of other railroad companies, etc.

SEC. 9. That the said company shall have the power to connect with, subscribe to the capital stock or bonds of, and hold the same in any railroad company, or any other corporation or transportation company that has been organized or may hereafter be organized, and to sell, mortgage or lease any part or the whole of its property, its main line or branches, to any other railroad company or corporation, and shall have the right to sell, mortgage or lease to any other company, corporation or individual, any part of its franchise and property herein granted, and the company or persons purchasing the same shall take the same with all the franchises herein granted as appurtenant, and shall manage and use the same under its own corporate name.

May lease, sell or mortgage any part or the whole of its property.

Exclusive right to carry and transport freight and passengers on its lines, etc.

SEC. 10. That said company shall have the exclusive right to carry and transport freight and passengers over and along its line of railroad, and upon vessels and boats run in connection with the same, at such rate as said company shall prescribe, subject to such general laws regulating the same as the General Assembly may from time to time establish.

May borrow money.

SEC. 11. Said company is hereby authorized to borrow money for the construction, equipment and operation of its road and property, and for any purposes contemplated by this act, and to issue coupon bonds and other evidence of indebtedness therefor, for any amounts so borrowed, and to convey any part or all of its property, rights, privileges and franchises by deed of trust or mortgage to secure the payment of same, for such length of time, and on such terms, as it may deem expedient, and said company, from time to time, may issue and sell its bonds and

May issue bonds.

May convey by deed of trust, etc.

May issue and sell its bonds.

its capital stock at such prices and on such terms as shall be directed by a majority of the stockholders and a majority of the Board of Directors of said company, and may receive in payment therefor money, property, securities or shares in any corporation, and any stock so issued shall be deemed fully paid and free from liability. Said company shall have the power to issue its stock of one or more classes or kinds, and in one or more series or grades, with such preferences, conditions and voting power as shall be provided by its stockholders in its by-laws.

May issue different classes, grades or kinds of stock.

SEC. 12. That any county, city, town or township, through any portion of which the said railroad shall pass, or along or near its line, or its branches, lateral or connecting roads, or at their terminal points, may make a donation to said company in money, or its equivalent in real or personal property, or a subscription to its capital stock: *Provided*, that after notice given and an election held, as hereinafter provided, a majority of the qualified voters of the county, city, town or township wherein the election is held shall vote for the donation or subscription, which shall be submitted to their vote for acceptance or rejection.

Counties, towns, etc., may make donations, or may subscribe to capital stock of the company.

Proviso.

SEC. 13. That upon written application of one-fifth of the qualified voters asking, from any county, city, town or township, any contribution, donation or subscription to its capital stock, said application stating the amount of donation or subscription asked, the terms and conditions thereof, the County Commissioners of such county, or the proper authorities of such county, city, town or township, shall appoint a day and order an election to be held thereon in such county, township, city or town, in the manner prescribed by law for holding elections, at which said election the legally qualified voters shall be entitled to vote for or against such subscription or donation; said election to be held at the usual voting places, after thirty days' notice specifying the amount of subscription or donation to be voted for, and to what company it is proposed to donate or subscribe, which notice shall be printed in some newspaper, if any there be published in said county, city, town or township, and by posting the same in three or more conspicuous places therein; such election shall be held by persons appointed in the manner that persons are appointed for holding other elections in said county, township, city or town, and the returns thereof shall be made, and the results declared and certified as specified by law in such other elections; and such results so certified shall be filed with the Register of Deeds in such township, county, city or town, and shall be taken as evidence of the same in any Court of the State.

Question of subscription or donation from counties, towns, etc., to be submitted to qualified voters thereof, on written application of one-fifth of voters. Requisites of application. County or town authorities to order election.

Election to be held after thirty days' notice.

Notice, what to specify.

How published.

Election, how held, etc.

Returns how made and results declared.

Certificate of result filed with Register of Deeds, taken as evidence.

SEC. 14. That if the result of said election shall show that the majority of the qualified voters of said county, township, city or town favor said donation or subscription to the capital stock

Result of election in favor of donation or subscription, proper authorities to carry out contract as ratified by vote.	of said railroad to the amount voted for in such election, then said Township or County Commissioners, or the proper authorities of said township, county, town or city, shall immediately make such donation or subscription to the capital stock of said railroad, payable in cash or bonds authorized to be issued under this act as may be agreed upon, and appoint
Board of Trustees to be appointed, to issue bonds, etc.	a Board of Trustees consisting of not less than three resident tax-payers of the county, township, city or town so voting, who shall issue the bonds of said county, township, city or town, to the amount so voted for at the said election, in such forms and denominations and running for such length of time as may be determined upon by said County Commissioners or proper
Interest on bonds, how payable.	authorities of said city, town, county or township, bearing interest at the rate of five per centum per annum, said interest to be payable semi-annually and evidenced by coupons on said bonds; and said trustees shall deliver said bonds so issued or paid in
Trustees to deliver bonds to company.	cash, as may be agreed, to said South and Western Railway Company, upon receiving therefor, for the use and benefit of said
Railroad company to give proper receipt.	county, township, city or town, proper receipt for donations or certificates of stock in said railway company to the amount of the subscription so voted as aforesaid.
County Commissioners or other authorities to levy taxes to pay interest on bonds and provide for their redemption.	SEC. 15. That to provide for the interest on said bonds and their redemption at maturity, the County Commissioners or proper authorities of any county, city, town or township, shall, in addition to other taxes, each year compute and levy on all
Sinking Fund to be provided.	property and polls of any such county, township, city or town a sufficient tax to pay such interest, and after ten years a tax sufficient to provide each year for the interest on said subscription bonds and a sum equal to one-fortieth (1-40) of the principal thereof for a sinking fund; the sum levied and collected for said
Sinking Fund, how invested, etc.	sinking fund to be paid over to the County Treasurer or other officer of said county, township, city or town authorized by law to perform the duties of Treasurer or Commissioner of Sinking Fund, and by him invested in said bonds, shall be collected and likewise invested; all said bonds, when purchased, also all interest coupons attached, shall be stamped "Sinking Fund" on face of same; but in case said Treasurer or other officer shall be unable to invest the sinking funds herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the Board of County Commissioners aforesaid, or proper authorities in any county, town, township, or city.
Taxes collected from railroad company in any county, city, town or township subscribing to the stock of this company, to be used	SEC. 16. That all taxes levied upon and collected from said railroad company by any county, city, town or township, under the general revenue act as from the citizens, upon any real or personal property belonging to said corporation and situated within said city, county, town or township, shall be set aside as a dis-

tinct fund and applied exclusively by the proper authorities thereof, if said county, city, town or township shall have subscribed to the capital stock of said company and issued bonds in payment thereof, to the liquidation and payment of the interest accruing on said bonds issued on account of said subscription so long as said bonds shall be outstanding and remaining unpaid. If the said tax so levied upon the said company should be insufficient to pay the interest upon the said subscription bonds, then the difference shall be paid out of the tax to be levied and collected as provided in section fifteen (15) of this act, but if, in any year, the tax paid by said company should be more than the sum required to pay the said interest for that year, then the surplus may be applied to the general purposes of said county, city, town or township.

for payment of interest on bonds issued.

Taxes from company insufficient, residue to be paid out of taxes collected under Section 15 of this act.

SEC. 17. This act shall be in force from and after its ratification.

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 202.

### AN ACT TO AMEND CHAPTER SEVENTY-EIGHT (78), PRIVATE LAWS OF NORTH CAROLINA 1889, TO INCORPORATE THE TOWN OF SOUTHPORT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the city of Southport, for the purpose of improving the public streets, water supply for protection against fire and for domestic purposes, and for the purchase and improvement of cemeteries, are authorized and empowered to issue bonds bearing interest at a rate not exceeding 6 per cent per annum to an amount not exceeding five 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 July and January of each year until the maturity of said bond. The bonds so issued by said Board of Aldermen shall run for a period of twenty years from date of their issue and shall be numbered consecutively from one to fifty, and shall declare the amount of interest which they shall represent and when interest is due, and when it is payable, and shall be receivable in payment for all municipal taxes levied by said town. The said bonds shall be exempt from municipal taxation.

Board of Aldermen of Southport authorized to issue bonds for water-works, improvement of streets, and purchase of cemeteries, etc.

Interest rate. Bonds, and denomination.

Interest coupons, when due and payable.

Bonds to run for twenty years. To be numbered consecutively, etc. Coupons receivable for taxes. Bonds exempt from municipal taxation.



Signed by mayor and attested by clerk with corporate seal.

Aldermen to dispose of at not less than par value.

Not over \$1,000 to be issued and sold in any one year.

Record of bonds to be made and kept.

Board of Aldermen to levy and collect annual special tax to pay coupons.

Upon what levied.

To be used for no other purpose.

City Treasurer to cancel coupons when paid, and report semi-annually number and amounts of cancelled coupons.

Aldermen to levy and collect special tax to provide a sinking fund for payment of bonds at maturity. Tax when to begin.

Amount of annual levy.

Duty of Aldermen to deposit sinking fund with some bank, trust company or safe deposit company at best obtainable rate of interest.

Interest to be credited to deposits annually.

Bonds not to be issued until authorized by a majority of qualified voters.

SEC. 2. That said bonds shall be signed by the Mayor of the city of Southport and attested by the signature of the clerk of the Board of Aldermen with the corporate seal of said city also attached. The Board of Aldermen of the said city shall dispose of said bonds at a sum of not less than their par value, and bonds to the value of not more than one thousand dollars shall be issued or sold in any one year. It shall be the duty of the Board of Aldermen to cause a record to be made and kept of the bonds sold, the number, name of the purchaser, and the price received for same.

SEC. 3. 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 the 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 and taken up to cancel same, and he shall report not less than twice a year to the Board of Aldermen the number and amounts of the coupons so cancelled.

SEC. 4. For the purpose of paying the principal of the bonds under this act it shall be the duty of the said Aldermen at the time of levying other taxes beginning at least ten years before maturity of the respective bonds issued under authority of this act to annually levy and collect a special tax in addition to that mentioned in section three of this act, for the payment of said bonds as they mature and the tax provided for in this section shall equal in amount one-tenth of the amount of said bond or bonds falling due next after the tenth annual levy and collection of taxes from and including said first levy and collection for said purpose and in such manner that at the maturity of each and every of said bonds a sufficient amount shall have been levied and collected for the payment thereof.

SEC. 5. It shall be the duty of said Aldermen to have deposited any and all monies arising from the special tax collected under section four of this act with some bank, trust, company or safe-deposit company of undoubted solvency at the best obtainable rate of interest, and all interest arising from said deposit shall be credited annually to said deposits and become a part of said funds.

SEC. 6. 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 a time and place as said board shall appoint, of which notice shall be given for twenty days in some newspaper published in said city, and if no newspaper, then by



written notices posted in three public places in said city, and at said election those favoring the issue of said bonds shall vote a printed or written ticket with the words "For Bonds" thereon; those who are opposed shall vote a printed or written ticket with the words "Against Bonds" thereon; the result of said election shall be ascertained by the judges of election of the different wards and certified and returned by them to the Aldermen of the city of Southport within two days from the day of election, who shall verify and also certify such results and cause the same to be recorded in their minutes, and shall also make return of said result under the signature of the Mayor and Clerk of said city to the Register of Deeds of Brunswick County, who shall duly record the same.

Twenty days' notice of election to be given.  
Tickets prescribed.

Result of election to be certified to Board of Aldermen by judges.

Result to be recorded in minutes and return made to Register of Deeds of Brunswick County who shall record the same.  
Conflicting laws repealed.

SEC. 7. That all acts and parts of acts in conflict with provisions of this act are hereby repealed.

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

Effective on ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 203.

### AN ACT TO AMEND CHAPTER EIGHTY-TWO (82) OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FOUR (1874).

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-two (82), of the Private Laws of eighteen hundred and seventy-four (1874), relating to the incorporation of the town of Winton, in Hertford County, be and the same is hereby amended by adding at the end of section seven (7) thereof the following words, viz.: "The Commissioners of said town shall have full power and authority to make all necessary rules, regulations, by-laws and ordinances for the well ordering and good government of said town, not incompatible, and inconsistent with the laws and Constitution of this State; and shall further have ample power and authority to force a compliance with and observance of all such rules, regulations, by-laws, and ordinances, as they may make under and by virtue of the power and authority vested in them under this act.

Chapter 82, Private Laws of 1874, relating to incorporation of Winton, Hertford County, amended.

Town Commissioners authorized to make all necessary rules, regulations, etc., for town government.

Authorized and empowered to enforce compliance with ordinances, etc.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 204.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
MOUNT AIRY, CHAPTER 304 OF THE PRIVATE ACTS  
OF 1891.*The General Assembly of North Carolina do enact:*Section 1, Chapter  
304, Private Laws  
1891, amended.

SECTION 1. That after the words "not exceeding" in line 29 of section 1 of chapter 304 of the Private Acts of 1891, strike out the words "fifty" and "annnm" and insert in lieu thereof the words "seventy-five" and "months," and after the words "bowling alley" in line 43 of said act insert the following: "And on every livery stable doing business within the corporate limits of said town," and striking out after the words "every butcher" in line 44, down to and including the word "town," in line 45.

Effective on rati-  
fication.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 205.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
SELMA IN JOHNSTON COUNTY.*The General Assembly of North Carolina do enact:*Section 6, Chapter  
16, Private Laws  
1872-3, amended.

SECTION 1. That chapter 16 of the Private Laws of 1872-3 be amended by striking out the words "fifty cents" in second line of section six, and inserting the words "one dollar;" also, strike out in third line the words "sixteen and two-thirds cents (16 2-3)" and insert "thirty-three and one-third cents;" also, strike out all the remainder of said section after the word "them" in seventh (7th) line.

Section 7  
amended.

SEC. 2. That section seven be amended by striking out all of said section after the word "order" in fourth line and inserting "and for the purposes of opening and improving new streets."

Effective from  
ratification.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 206.

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, AS AMENDED BY CHAPTER 80, PRIVATE LAWS OF 1897.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in line three, section one, of chapter eighty of the Private Laws of eighteen hundred and ninety-seven, page one hundred and twenty-nine, be amended by striking out in said line three the word "institute" and insert in lieu thereof the word "college."

Chapter 80, Private Laws 1897, amended.  
"Institute" stricken out "College" inserted.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 207.

AN ACT TO INCORPORATE THE CENTRAL POWER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. A. Blair, J. H. Walsh, Lee H. Battle, P. D. Gold, Jr., Henry C. Fries and M. L. Shields, and their associates and successors be and they are hereby declared a body politic and corporate under the name and style of the Central Power Company, and by that name shall have sixty years succession and sue and be sued, plead and be impleaded, make and use a corporate seal, and alter the same at pleasure, contract and be contracted with, and shall have and enjoy all the rights and privileges necessary for the purposes of this act.

Incorporators.

Corporate name.  
Corporate existence and corporate rights and powers.

SEC. 2. That the capital stock of the said company shall be fifty thousand dollars, and may be increased from time to time with the consent of a majority of the stockholders to any adequate amount, not to exceed two million dollars, by the issue and sale of shares of common and preferred stock, or both, upon such terms and conditions and under such regulations as the Board of Directors with the approval of a majority of stockholders of said

Capital stock.

Power to increase.

Par value. company shall prescribe, but the par value of each share of stock shall be one hundred dollars; and the directors, with the like approval of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, real or personal property, in payment of

Subscription, how payable. subscriptions to the capital stock; and may make such subscriptions, payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one

When may organize. hundred shares shall have been subscribed for, and the sum of one thousand dollars paid in cash, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company

Board of Directors. by electing a Board of Directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company; and therefore they shall have and exercise all the powers and functions of a corporation under this charter and the laws

Powers and duties of directors. of this State. Every subscriber to, or holder of, the stock of said company shall be liable for the debts of said company to an amount equal to the amount unpaid on the stock subscribed for and held by him and no more.

Liability of stockholder.

Corporation may borrow money, etc. SEC. 3. It shall be lawful for the said corporation upon such terms as the stockholders, or Board of Directors, by their authority may determine to borrow money, to issue its notes, obligations, bonds, and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property and franchises in whole or in part, as they may deem necessary of expedient; and it shall be lawful for the said corporation to acquire by original subscription contract, or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of or otherwise deal with in like manner as individuals may do, shares of the capital stock, notes, bonds, and other obligations of other companies, organized under the laws of any of the United States.

May acquire and deal in shares, etc., of other companies and corporations.

May supply the public with electric or other power. SEC. 4. That the said company is authorized and empowered to supply to the public, including both individuals and corporations, whether private or municipal, anywhere in the State of North Carolina, power, in the form of electric current, hydraulic, pneumatic and steam pressure, or any of the said forms, and in any or all other forms for use in driving machinery, and for light, heat, and all other uses to which the power so supplied can be applicable, and to fix charges, collect and receive payment therefor; and for the purpose of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate from an initial point on the

To make necessary and proper charges, tolls, etc., and collect same.

May buy, use, store or transmit power.

Yadkin River or any stream not navigable within the State of North Carolina where the company may establish a plant, either directly to consumers or users, or to a distributing point, in the city of Greensboro, and from the same or any other initial point in the said State of North Carolina, either directly to consumers or users, or to any other distributing point in North Carolina which the said company may establish by the most practical route, to be determined by the Board of Directors of the company, lines for the transmission of power by wires, or poles, or underground, and by cable pipes, tubes, conduits, and all other convenient appliances for power transmission, with such connecting lines, and also such branch lines as the Board of Directors of the company may locate, or authorize to be located for receiving, transmitting and distributing power; and the company may acquire, own, hold, sell, or otherwise dispose of, water power and water privileges in the State of North Carolina, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating, and developing by water, steam, or any other means, and for storing, using, transmitting, distributing, selling and developing power, including dams, gates, bridges, sluices, tunnels, stations, and other buildings, boilers, engines, machinery, switches, lamps, motors, and all other works, structures, and appliances in the State of North Carolina: *Provided*, that the amount of land which the company may at any time hold with the State of North Carolina for any one water power, and appurtenant works, as well as the land flowed or submerged with the water accumulated by dam, shall not exceed ten thousand acres exclusive of right of way: *And provided further*, that lines and appurtenances hereinbefore authorized for distributing power and light, are to be constructed when on public streets or highways of any county, city or town, under such reasonable regulation as the authorities respectively thereof shall, upon application from the company, prescribe.

SEC. 5. That said company be and is hereby authorized and empowered to survey lay out, construct and equip, maintain and operate, by electrical power, a railroad between the city of Greensboro, and the town of Winston. That said company be and is hereby further authorized and empowered to survey, lay out, construct and equip, and maintain and operate by electrical power, a railroad from some point on the above-mentioned railroad between Greensboro and Winston to High Point. Both the main line from Greensboro to Winston, and the branch line from some point on said railroad between Greensboro and Winston to High Point, shall have power to take and convey persons or property over their roads, and to receive compensation therefor, and to do all things incident to railroad business.

To operate from an initial point on the Yadkin River or other unnavigable stream to a distributing point in Greensboro, etc.

May establish lines for transmission of power on poles or underground, etc.

May operate branch lines.

May buy, own, hold, sell or otherwise dispose of water powers, etc.

May locate and construct all necessary plants.

Provido as to amount of land to be acquired and held

Provido as to construction of lines, etc.

Company authorized to survey, lay out, construct, equip and operate an electric railway between Greensboro and Winston.

To construct and operate an electric railway from some point on above-mentioned line to town of High Point.

Both lines authorized to convey persons and property, and receive pay therefor.

May build and operate street railway in Greensboro.

Proviso.

Further proviso.

May generate, make and furnish electricity for lighting, heating and power purposes, and sell same to persons, corporations and towns, etc.

To deal in, furnish and sell electricity, gas and other power, forces, fluids, currents, matter, etc., and to carry on all kinds of business connected therewith

To manufacture, repair, sell and deal in all necessary appliances and machinery used in or necessary for utilization of electricity, etc.

To purchase, acquire, own, lease, let and furnish all kinds of electric machinery, apparatus, etc.

SEC. 6. That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway with one or more tracks, and with such cars, trolley wires, cable posts, side-tracks, switches, appliances, crossings, bridges, turnouts and branches, as it may deem necessary through, along and over the streets and avenues of the city of Greensboro: *Provided, however,* that its cars or carriages shall be operated over and along the streets and avenues of the city of Greensboro with electric power or with such power as shall be approved by the Board of Aldermen of said city: *Provided further,* that its line or lines of railway shall be constructed over and along streets within the corporate limits of said city of Greensboro by and with the consent of the Board of Aldermen of said city, and over and along the public highways and avenues without said corporate limits, by and with the consent of the authorities, having lawful supervision and control of said public highways and avenues.

SEC. 7. That the said company shall have power, in addition to the powers heretofore enumerated, to carry on and conduct the business of generating, making, transmitting furnishing and selling electricity for the purposes of lighting, heat, and power and to furnish and to sell and contract for the furnishing and sale to persons, corporations, towns and cities of electricity for illuminating purposes or as motive power for running and propelling engines, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used, and to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, gas, and all other kinds of power, forces, fluids, currents, matter and materials, used or to be used, for the purposes of illumination, heat and power; to carry on any and all business in anywise appertaining to or connected with the manufacture and generating, distributing, and furnishing of electricity for light, heat and power purposes, including the transacting of any and all business in which electricity is now or hereafter may be utilized, and all matters incidental or necessary to the distribution of electric light, heat and power; to manufacture and repair, sell and deal, in any and all necessary appliances and machinery used in or which may be required or deemed advisable for or in connection with the utilization of electricity or anywise appertaining thereto or connected therewith; to purchase, acquire, own, use, lease, let and furnish any and all kinds of electric machinery, apparatus, and appliances; to purchase, acquire, own, hold, improve, let, lease, operate, and maintain water rights and privileges and water powers; to supply water to persons, corporations, factories, towns, and cities, for domestic purposes and for use as power and

for manufacturing purposes, and to charge, receive and collect such charges and rates therefor as may be deemed advisable or expedient; to construct, acquire, build and operate, maintain and lease in the State of North Carolina, canals, ditches and flumes and pipe lines for the conducting of water; to maintain and operate railroads, and cross the same, street railways, water lines and tramways, carry freight and passengers thereon, and to charge, collect and receive tolls or taxes for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of its telegraph and telephone lines, and for the transmission of messages thereon as may be deemed advisable or expedient; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways, and other convenient conduits or appliances for the transmission of electricity and other energies, fluids, forces and currents as may be deemed advisable or expedient; to lease any part or all of its railroads, street railroads, motor lines, and tramways to any other company or companies incorporated for the purpose of maintaining and operating a railroad, street railroad, motor line, or tramway, and to lease or operate, maintain and operate any part or all of any other railroad constructed by any other company upon such terms and conditions as may be agreed upon between said companies respectively; to apply to the proper authority of any incorporated city or town, or of the county in the State of North Carolina in which the railways, street railways, motor lines, tramways, telegraph lines, telephone lines, electric light and power lines, plants, underground conduits, subways, wires, poles and appliances of this corporation may extend, or be designed, or intended now or hereafter to extend, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold, lease all and singular the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold any rights, privileges or franchises heretofore granted to any person, firm, company or corporation, or which may be hereafter so granted, by the proper authorities of any such incorporated city or town, or of any county in the State of North Carolina; to purchase, acquire, lease, rent, own, hold and improve real property in such quantities as may be deemed expedient; to build dwelling houses and to build and operate stores, mills, schools, factories, warehouses and any and all other buildings or structures desirable or convenient; to build, construct, maintain, operate, buy and sell wood, cotton, and wool factories, iron furnaces and mines, to sell and dispose of the same on such terms and conditions and payments,

To own, maintain and operate water rights, etc., and supply water to persons, corporations, factories, towns, cities, etc.

To construct, build, maintain and operate canals, ditches, flumes and pipe lines.

May charge and collect rates, etc.



including installments and installment plans as may be desirable or convenient; to lay out and plot any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites, and other convenient forms; and to lay out, plot and dedicate to public use or otherwise, streets, avenues, alleys and parks; to purchase, possess, own, hold, rent, lease, and improve all and any property, real, personal and mixed, necessary, desirable or convenient for the use of the corporation or the transaction of its business or any part thereof, and to do and perform all and other matters and things necessary, proper or convenient, for its accomplishment of the object (and any thereof) above specified.

Right of eminent domain granted.	SEC. 8. When any land and right of way may be required by said company for the purpose of constructing and operating its railroads or other works, for public or <i>quasi</i> public nature, and for want of agreement as to the value thereof, or for any other cause, the same can not be purchased from the owner, the same may be taken at a valuation of five commissioners or a majority of them, to be appointed in term time by petition to the Judge of the Superior Court of the county where some part of the land is situated, or by the Clerk of the Superior Court of said county. In making the said valuation, the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: <i>Provided nevertheless</i> , that if any person or persons on whose land the works may be located or if the said company shall be dissatisfied with the valuation of the Commissioners, then in that case the parties so dissatisfied may file exceptions to the valuation. in the pending proceedings, subject to the same rules, regulations and restrictions, as in other like cases. The proceedings of the said Commissioners with a full description of the land shall be returned under the hands and seals of a majority of them to the county from which the commission issued thereafter [on] confirmation by the Judge to remain a matter of record, and also to be registered in the office of the Register of Deeds of each county wherein the land condemned lies, and the land so valued shall
Procedure.	vest in the said company as soon as the valuation shall have been paid or tendered: <i>Provided</i> , that upon application for the appointment of Commissioners under this section, it shall be made to appear to the satisfaction of the Court that at least ten days' notice had previously been given of the application to the owner or owners of the land so proposed to be condemned, or if the owner or owners be under disability, then to the guardian, if any, of such owner or owners as well as to such owner or owners, or if the owner or owners, who are not under disability, or the guardian of such owners as are under disability, can not be found
Duties of Commissioners.	
Proviso.	
Party dissatisfied may file exceptions.	
Commissioners to make returns to county from which commission issued.	
Land, how vested.	
Proviso.	
Owner of land under disability, etc., how notice given.	



in the county or the owner or owners is or are not known, then that such notice of such application had been published once a week for at least four weeks in some newspaper printed in the vicinity of the court-house of the county in which the application is made: *And provided further*, that the valuation provided for in this section shall be made on oath by the Commissioners aforesaid, which oath may be administered by any Clerk of the Court, Justice of the Peace, or other person, authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove or invade the burial ground of any individual without his or her consent.

Proviso as to burial grounds.

SEC. 9. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper or expedient. Meetings of the stockholders and directors may be held in the city of Greensboro where the principal office of the company shall be, or elsewhere in the State of North Carolina at such times and places as the stockholders may in the by-laws or otherwise prescribe.

Each stockholder to have one vote for each share held.

By-Laws, etc.

Stockholders and directors' meetings.

Principal office.

SEC. 10. The Board of Directors shall be composed of stockholders of said company and shall consist of such members as the stockholders shall prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company shall direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of office; and they shall choose one of their number president, and in case of death, resignation, or incapacity of any member of the Board of Directors during his term of office, the said board shall choose his successor for the unexpired term.

Board of Directors, how composed.

Duties and powers.

SEC. 11. This act shall be in force from and after its ratification.

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

CHAPTER 208.

AN ACT TO INCORPORATE THE BREAD WINNERS' MUTUAL BENEVOLENT ASSOCIATION.

*The General Assembly of North Carolina do enact:*

Incorporators.	SECTION 1. That Ebenezer Nelson Pearce, Leo Wesley Leigh, Lee W. Battle, M. D., and such other persons as are now, or may hereafter associate with them, their successors and assigns, he and they are hereby created, constituted and incorporated a body
Corporate name.	politic and corporate under the name and style of "The Bread
Corporate powers.	Winners' Mutual Benevolent Association," to have succession for ninety-nine years, and by that name may sue and be sued, appear, prosecute and defend in any court of record, or other court or places whatsoever in the various counties of this or any other State in the United States, and may have and use a common seal, and may hereafter break and renew the same at will, and may purchase and hold such real and personal estate as may be deemed necessary to effect the object of this association, and may sell and convey the same at pleasure, and may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State, and of the United States, as may be necessary and convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into effect the provisions of this act.
Objects of association.	SEC. 2. That said association be empowered to promote, establish, conduct and maintain the business of a Mutual Assessment
Mutual assessment insurance.	Insurance Association, to insure against loss by reason of sickness or other disability, accident and death, and that said association's business shall be allowed to insure to the benefit of widows, orphans and other beneficiaries in the event of the sickness, disability, accident or death of any of its insured, and that for such purpose they be authorized to create a fund, said fund to be raised by weekly, quarterly, semi-annual or annual payments, or assessments from time to time, by all members of this association, as may be directed by the officers and Board of Directors of this association to be in accordance with the by-laws of said association.
Emergency fund.	SEC. 3. That the remainder of said fund so created shall constitute an emergency fund to be applied to the payments of death claims, etc., as the officers and Board of Directors may order; that if at any time the emergency fund is not sufficient to pay a death claim the officers and Board of Directors may order a <i>pro rata</i> assessment on each member sufficient to meet the ex-

igencies of the case in accordance with the rules and regulations of the by-laws of the association.

SEC. 4. That the affairs of this association shall be governed by a Board of Directors, to consist of not less than three nor more than nine members or certificate holders, as may be regulated by the by-laws of this association, and the president and two directors may constitute a quorum for the transaction of business, unless the by-laws prescribe a greater number.

Board of Directors, duties and powers.

SEC. 5. That the persons named in the first section of this act are hereby constituted a Board of Directors to serve as such until others are chosen, which may be done by them.

First Board of Directors.

SEC. 6. That the home office of this association shall be in the city of Durham, North Carolina, but may be removed to any other town or place in the State whenever the directors may deem it necessary or convenient to promote the business of the association.

Home office.

SEC. 7. That the Board of Directors may invest and employ the funds of the association in such way and manner as they may judge that the interest and welfare of this association may require.

Funds of association, how invested, etc.

SEC. 8. That each certificate holder shall have one vote in all meetings of certificate holders, and may authorize any other certificate holder to act as his proxy, in accordance with the by-laws of the association.

Each certificate holder entitled to one vote.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 209.

### AN ACT TO AMEND AND RATIFY THE CHARTER AND ARTICLES OF AGREEMENT OF THE W. T. WEAVER POWER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the powers enumerated in the articles of agreement, and letters patent issued by the State of North Carolina to the W. T. Weaver Power Company. The said articles having been duly signed and executed on the day of February, 1900, and said letters patent having been issued on the 26th day of March, 1900, be and the same are hereby ratified and confirmed, and the said W. T. Weaver Power Company is hereby authorized

Articles of agreement of W. T. Weaver Power Company ratified and company incorporated.

	to act and conduct its business with all the powers and rights of other corporations of like character incorporated by virtue of the general laws of this State, subject nevertheless to the amendments and modifications hereinafter enacted.
Capital stock.	SEC. 2. That the capital stock of the said company shall be fifty thousand (\$50,000) dollars to be divided into shares of one hundred (\$100.00) dollars each, but the company may increase its capital stock from time to time in such manner as its shareholders may determine, but not to a greater sum than five hundred thousand (\$500,000) dollars.
Power to borrow money.	SEC. 3. That said company, in addition to the powers and privileges conferred upon it by its letters patent aforesaid, may borrow money and to secure the repayment thereof or of any other debt or obligation which it may contract or incur, may mortgage, and convey by any method which may accomplish that object, any or all of the property to secure the same.
Effective on ratification.	SEC. 4. That this act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

CHAPTER 210.

AN ACT TO INCORPORATE "THE KINSTON SAVINGS AND TRUST COMPANY."

*The General Assembly of North Carolina do enact:*

Incorporators.	SECTION 1. That S. H. Loftin, B. W. Canady, W. D. Pollock, H. O. Hyatt and Lovit Hines, their associates, successors and assigns are hereby constituted and declared a body politic and corporate by the name and style of "The Kinston Savings and Trust Company," of Kinston, North Carolina, with its principal place of business in the town of Kinston, North Carolina; and by that name may sue and be sued, plead and be impleaded, in any court of the State, and have a continual succession for the term of sixty years, with all the rights, powers, and privileges of corporations and banks under the general laws of the State.
Corporate name. Principal office.	
Corporate rights and powers.	
Capital stock.	SEC. 2. That the capital stock of said corporation shall not be less than twenty-five thousand dollars in shares of twenty-five dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding one hundred thousand dollars.

SEC. 3. The corporators named in the first section or a majority of them are hereby empowered to open books of subscription to the capital stock of said corporation, at such time or times, at such places, and for such periods as they shall determine, and the stockholders, at any general meeting called after the organization of said corporation, may, at their discretion, from time to time reopen books of subscription to said capital stock until the same, as herein limited, be wholly taken.

Corporators to open subscription books to capital stock.

SEC. 4. Whenever twenty-five thousand dollars shall be subscribed and one-half paid into the capital stock of said corporation, the above-named corporators or a majority of them shall call a meeting of the subscribers to said stock, at such time and place, and on such notice as they may deem sufficient to organize said corporation; and such stockholders shall elect such directors as they may think proper, who 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. The remaining one-half of subscribed capital shall be paid within twelve months after the company begins business.

Meeting of subscribers for organization to be held, when.

Stockholders to elect directors.

Directors to elect president.

When remainder of capital stock to be paid.

SEC. 5. The president and directors of said corporation may adopt and use a common seal, and alter the same at pleasure, may make and appoint all necessary officers and agents, and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation consistent with the by-laws established by the stockholders; may do a general banking business, and exercise all powers, rights, and privileges conferred by the public laws of this State on banks and corporations, especially those set forth in chapter four, volume two, of The Code; may loan money at 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, or personal property; may negotiate loans on mortgages, on real or personal estate, or both: *Provided*, said company shall not charge or discount at a greater rate of interest than is allowed by law. Holders may be represented by proxy, and each share shall be entitled to one vote.

Powers and duties of president and directors.

Proxy votes.

SEC. 6. That said corporation may purchase and hold all such real and personal property as may be necessary for its own business purposes, and such as may be conveyed to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation, or sold under execution or order of any Court to satisfy any debt due to it, and may sell and convey or exchange the same at pleasure, and use or reinvest the proceeds thereof as may be deemed best.

May purchase and hold real and personal property.

Deposits of  
minors and *femes*  
*covert*.

SEC. 7. That when any deposit shall be made by any person, being a minor or *feme covert*, the said corporation shall pay to such minor or *feme covert* such sums as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability thereof.

Subscriber failing  
to pay for stock,  
manner of collec-  
tion.

SEC. 8. 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 ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash in the town of Kinston after advertising such sale for ten days in some newspaper published in said town; and if the proceeds of such sale be not sufficient to discharge the amount unpaid, with all costs of such sale, the delinquent shall be liable for all deficiency in a civil action.

Liability of stock  
assigned before  
full payment.

SEC. 9. If any subscriber shall assign his stock before its full payment, he and his assignee, and all subsequent assignees thereof shall be liable for its payment, and may be sued, jointly or severally, by motion as aforesaid, or by action. In every case of delinquency in a subscriber or others, the subscription shall be deemed a promissory note, payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

May circulate  
currency of its  
own issue, subject  
to State and  
National laws.

SEC. 10. That said company may receive and pay out all lawful currency, with full power of circulating currency of its own issue under all the rights and privileges and under such restrictions as may be imposed by the laws of this State or the laws of the United States as to currency of State banks.

May accept and  
execute trusts,  
etc.

SEC. 11. *And be it further enacted*, that the said corporation be and is hereby authorized to accept and execute as fully as a natural person, trusts of any and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, bodies corporate or public, or by any court in the State of North Carolina, or in any one of the United States, or by the courts of the United States, and to accept the office and appointment of executors, or administrators of any kind or nature, whenever such office or appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of this State or any one of the United States, and that in all cases where applications shall be made to any court of this State for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minor or committee of a lunatic, it shall and may be lawful for such court to appoint the said corporation, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and the ac-

counts of said corporation as such receiver, administrator, executor, assignee, guardian or committee, shall be regularly settled before the court making such appointment; and upon such settlement and adjustment, all proper legal and customary charges, costs and expenses shall be allowed to said corporation for its care and management of the trusts and estates aforesaid in accordance with the practice of the court, so appointing in the case of natural persons when so appointed, and the said corporation as such corporation as such receiver, trustee, administrator, executor, assignee, guardian or committee, shall be subject to all lawful orders or decrees made by the said court.

SEC. 12. *And be it further enacted*, that the said corporation shall be and is hereby authorized and empowered to receive and keep on deposit all such valuables as gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock or evidences of indebtedness, deeds or muniments of title or other valuable papers of any kind, or any other article or thing whatsoever which may be left or deposited for safe keeping with said corporation; and it may and shall be lawful for any of the courts of this State, into which moneys, stocks, bonds, or other property may be paid or deposited by agreement of parties, order, judgment or decree of said court, to order and direct the same to be deposited with said corporation, and it shall be entitled to charge such commission or compensation therefor as may be agreed upon for the complete preservation and safe keeping thereof, may construct, erect, purchase or lease such fire and burglar-proof buildings, vaults, iron and composition safes or other buildings or means which may be or become necessary, and generally to transact and perform all the business relating to such deposit and safe keeping or preservation of all such articles or valuables as may be deposited with it.

May receive and keep on deposit valuables, etc.

SEC. 13. *And be it further enacted*, that when any court shall appoint the said corporation a receiver, trustee, administrator, executor, assignee, guardian or committee, or shall order the deposit of money or other valuables of any kind, with said corporation, the capital stock, as paid in, shall be taken and considered as the security required by law for the faithful performance of its duties: *Provided*, the said court shall not deem it necessary to require further security, and shall be absolutely liable in case of any default whatever; the court, if it deem necessary, may from time to time appoint suitable persons to investigate the affairs and management of said corporation, who shall report to such court the manner in which such investments are made, and the security afforded to those by or for whom its engagements are held, and the expenses of such investigation shall be defrayed by said corporation; or the court may, if it deem

Capital stock to be considered as surety in cases of appointment as trustees, executors, guardians, etc.

Proviso.

necessary, examine the officers of said corporation under oath or affirmation as to the security aforesaid.

In case of dissolution what debts to have preference.

SEC. 14. *And be it further enacted*, that in case of the dissolution of said corporation, the debts due from the corporation as receiver, trustee, administrator, executor, assignee, guardian or committee, or depository of money under order of court, shall have a preference in the distribution of the assets of said corporation.

May receive deposits of trust funds.

SEC. 15. *And be it further enacted*, that any executor, administrator or other trustee, or public officer having the control of any bonds, stocks, security, moneys or other valuables, belonging to others, shall be, and is hereby authorized, to deposit the same for safe keeping with said corporation; that in all cases in which public officers, municipal or private corporations, authorized to deposit money, stocks, bonds or evidences of debt, such deposits, by such officers or corporations, may be made with said corporation.

May receive and hold on deposit securities of estates, companies, corporations, etc., and collect same.

SEC. 16. *And be it further enacted*, that the said corporation shall have power to receive and hold on deposit and in trust and as security, estates, real, personal and mixed, including money, notes, bonds and obligations of estates, companies, corporations, and the same to purchase, collect and adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between it and the parties contracting with it.

May do a fidelity guaranty business and become surety, etc., on State and other official bonds.

SEC. 17. *And be it further enacted*, that the said corporation shall be and is hereby authorized and empowered to insure the fidelity of persons holding places of trust or responsibility of any State, corporation, company, person or persons whatsoever, to endorse and become security for the faithful performance of any trust, office, duty, contract or agreement, and to supersede any judgment or become surety upon any bond for appeal from any order, judgment or decree of any court of record or Justice of the Peace, and it is further authorized to become sole surety in all cases, where, by law, two or more sureties are required for the faithful performance of any trust of office, and it shall and may be lawful for any court to approve said corporation as sole surety in all such cases, and in every such case the capital stock of said corporation shall be taken and considered as sufficient security therefor, but in all such cases the affairs and effects of said corporation shall be subject to an examination, if the court should deem it necessary, and the court may examine, under oath, the officers of said corporation in relation to the affairs, property and effects of said corporation; and it shall be lawful for said corporation to stipulate and provide for indemnity from the parties aforesaid, for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge or other security made or given for that purpose.



SEC. 18. *And be it further enacted*, that said corporation shall have power to guarantee, endorse and secure the payment and punctual performance, and collection of notes, debts, bills of exchange, contracts, bonds, rents, accounts, claims, annuities, mortgages, choses in action, evidences of debt, certificates of property or value checks and the titles to property, real and personal, indebtedness of companies, partnerships, loans of States, cities, counties, municipalities on such terms or commissions as may be agreed upon or established by said corporation and the parties dealing therewith to act as the fiscal or transfer agent of any State, municipality, body politic, or corporation, and in such capacity to receive and disburse money, and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

May guarantee, endorse and secure payment of notes, debts, bills of exchange, etc.

SEC. 19. *And be it further enacted*, that the said corporation may receive upon storage, deposit or otherwise, merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debt, contracts, and all other personal properties whatsoever, take charge and custody of real and personal estates and securities, and advance money thereupon, on such terms as may be established or approved by said corporation.

May do a safety deposit and storage business.

SEC. 20. *And be it further enacted*, that said corporation be and it is hereby authorized, and shall have discretionary powers, to invest at its pleasure moneys received on deposit, loaned or otherwise: *Provided*, that said corporation, in the investment of funds held by it as trustee, administrator, executor, assignee, guardian or committee, shall be subject to the laws of this State and the rules of courts now existing or hereafter passed, governing investments of such funds by natural persons, when so acting as such trustee, administrator, executor, assignee, guardian or committee; that it is authorized to take, have, hold and enjoy all such estate, real, personal and mixed, as may be obtained with the moneys aforesaid; and also with any, every and all other funds that may come into its possession in the course of its business dealings, and the same may sell, grant, lease, mortgage and dispose of in its discretion and at its will and pleasure, and execute, acknowledge and deliver all deeds and legal papers and any instruments concerning the same; to deal in exchange, foreign and domestic, and in every and all description of properties, personal effects, securities, mortgages, lands, certificates of indebtedness, stocks of incorporated companies, notes, loans or bonds of the United States, or of any city, county or municipality, or of any incorporated company or individual.

May invest moneys received on deposit.

Provided.

SEC. 21. *And be it further enacted*, that said corporation shall have power and authority to provide rules, regulations, by-laws or otherwise for and determine all matters of arbitrament or award referred or submitted to it by order of any court or agree-

May make rules, by-laws, etc., and determine matters of arbitrament submitted to it.

ment of parties in interest whatsoever, upon such terms as may be agreed upon, provided or established by said courts or said parties.

Individual liability of stockholders.

SEC. 22. That the stockholders of said company or bank, their successors and assigns, shall not be in anywise liable or responsible for any debts, obligations, contracts or torts of said company or bank beyond the amount subscribed by each stockholder.

May organize a savings department.

SEC. 23. The company is authorized to organize a department for savings, and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto as the stockholders may think proper; in which the said company [may] receive deposits in the savings department, and give books or certificates therefor, and to pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also to regulate the time of payment and notice of demand.

Effective on ratification.

SEC. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, 1901.

## CHAPTER 211.

### AN ACT TO INCORPORATE THE TRANSYLVANIA RAILROAD COMPANY AND TO AMEND THE CHARTER OF SAID COMPANY HERETOFORE GRANTED.

Preamble.

WHEREAS, By a decree of the Supreme Court of Henderson County made at the Spring Term 1897, in certain suits and creditors' bill therein pending, wherein James T. Pruden and all other creditors were plaintiffs, and the Hendersonville and Brevard Railway, Telegraph and Telephone Company, et al, were defendants, judgment was rendered in favor of the plaintiffs, and Jonathan Williams was appointed a Commissioner of the Court to sell the Hendersonville and Brevard Railway, Telegraph and Telephone Company, and all its property, including the charter, privileges and franchises of the said Company, in satisfaction of the judgment recovered by the plaintiffs, and by the said decree Geo. A. Shuford, Thos. J. Rickman, and W. A. Gash were appointed trustees for the creditors, and directed by the said decree to purchase the said road and its property and franchises for the creditors (unless the same could be sold for enough to pay the preferred creditors, costs and expenses), and to hold and operate the said road in trust for the creditors until

the same could be sold for an amount sufficient to pay the preferred creditors, costs and expenses, and for such greater amount as they might be able to obtain; and,

WHEREAS, A sale of the said road and its property under said Preamble, decree was made by the Commissioner at the court-house door in the town of Hendersonville on the first Monday in July, 1897, under and in pursuance to said decree, and the same not bringing an amount sufficient to pay the preferred creditors, costs and expenses as provided by the said decree, the said Geo. A. Shuford, Thos. J. Rickman and W. A. Gash purchased the same for and on behalf of the said creditors, and the said sale was duly reported and confirmed by the Honorable W. A. Hoke, Resident Judge of the Eleventh Judicial District of North Carolina, of which said District, Henderson County is a part, on the 23rd day of September, 1897. And the said trustees were ordered to hold and operate the said road until the same could be sold for an amount sufficient to pay the said debts, and the said Jonathan Williams, Commissioner, executed and delivered a deed therefor to the trustees on the 23rd day of September 1897; and,

WHEREAS, The said trustees after making all reasonable efforts Preamble, to sell the said property for a greater price, did, on the 18th day of March 1899, in accordance with the terms and provisions of said decree made at Spring Term, 1897, of said Court, and in accordance with the trust reposed in them by the deed from Jonathan Williams, Commissioner, agree and contract to sell the said property and every part thereof, with all the corporate powers, rights and franchises thereto belonging, or in anywise appertaining, to J. F. Hays, agent for himself and others (who afterwards had themselves incorporated by the name of the Transylvania Railroad Company under the general laws of the State of North Carolina), for an amount sufficient to pay the preferred creditors, costs and expenses of sale, which said sale was duly reported, and by consent of all the parties interested, duly confirmed by the Honorable Albert L. Coble, Judge holding the Courts of the Eleventh Judicial District, at Chambers, in the city of Charlotte, on the 21st day of March, 1899, and the said trustees were ordered to make title to the purchasers; and,

WHEREAS, On the 22nd day of March, 1899, in pursuance of Preamble, said decree, made by the Spring Term, 1897, of said Court, and under the order of confirmation (the said J. F. Hays having in every respect complied with the terms of said sale), the said Geo. A. Shuford, Thos. J. Rickman and W. A. Gash, trustees as aforesaid, made, executed and delivered to the said J. F. Hays, his associates and assigns, a deed conveying to him and them all the property, real, personal and mixed of the Hendersonville and

brevard Railway, Telegraph and Telephone Company, with its charter and all its corporate powers, privileges and franchises; and,

Preamble. WHEREAS, The purchasars associated with them other persons to the number of twenty-five, and duly executed and filed in the office of the Secretary of State articles of association for the formation of a railroad company; and,

Preamble. WHEREAS, On the .....day of ....., 1899, in pursuance to section 1932, chapter 49, of The Code of North Carolina, said company was duly chartered by the Secretary of State under the name of The "Transylvania Railroad Company" under which corporate name it is now operating its road; and,

Preamble. WHEREAS, The Transylvania Railroad Company has at all times since the purchase from the trustees, and since the date of its charter from the Secretary of State, the right to use, exercise and enjoy all the corporate powers, privileges and franchises of the Hendersonville and Brevard Railway, Telegraph and Telephone Company, as contained in its charter hereinafter referred to, and for the purpose of ratifying, confirming and making forever valid and binding between the parties thereto all conveyances, contracts and subscriptions to the capital stock, and all other transactions of whatever nature and kind, made in the name of the Transylvania Railroad Company, and purporting to have been done by virtue of the corporate powers, rights and franchises contained in the charter of the Hendersonville and Brevard Railway, Telegraph and Telephone Company, and of amending the charter of said company; now, therefore,

*The General Assembly of North Carolina do enact:*

Effect of sale of the Hendersonville and Brevard Railway, Telegraph and Telephone Company to J. F. Hays and associates.

SECTION 1. That the sale of the Hendersonville and Brevard Railway, Telegraph and Telephone Company by the said Geo. A. Sanford, Thos. J. Rickman and W. A. Gash, trustees, to the said J. F. Hays and associates had the effect to transfer to the said J. F. Hays and his associates when they become organized into a corporation in the name of The Transylvania Railroad Company, the charter and all the property, powers, rights and privileges of the said Hendersonville and Brevard Railway, Telegraph and Telephone Company as contained in Chapter 360 of the Laws of 1891, and they are hereby declared to be the owners of the said charter, and have been entitled at all times since the date of the purchase of said road and its charter from the Secretary of State to exercise all the corporate powers, rights and privileges granted to the Hendersonville and Brevard Railway, Telegraph and Telephone Company in Chapter 360, Laws of 1891, and all amendments thereto, and wherever heretofore the said Transylvania Railroad Company has entered into any contract or

All former acts under Chapter 360, Laws of 1891, validated and confirmed.

acquired any property, real, personal or mixed, or received subscriptions to its capital stock, or done any other act, or exercised any other corporate power in its corporate name and purporting to have been done by virtue of the authority contained in Chapter 360, Laws of 1891, is hereby in all respects validated, confirmed and declared to be binding on the said company and all persons who have dealt or contracted with it.

SEC. 2. That the caption of said chapter 360 of the Laws of 1891 be amended by striking out in said act the words "Hendersonville and Brevard Railway, Telegraph, and Telephone Company" and inserting in lieu thereof "Transylvania Railroad Company".

Caption of Chapter 360, Laws of 1891, amended, and name changed to Transylvania Railroad Company.

SEC. 3. That the words "Hendersonville and Brevard Railway, Telegraph and Telephone Company" wherever they occur in said act be stricken out and the words "Transylvania Railroad Company" inserted in lieu thereof.

Old name stricken out wherever occurring and new name substituted.

SEC. 4. That section 1 of said chapter 360, Laws of 1891, be amended by striking out all of said section after the word "that" in line 1 of said section down to and including the word "telephone" in line 5, and inserting in lieu thereof the words "J. F. Hays, Ed. C. Wilson, T. S. Boswell, W. A. Gash, of Transylvania County, North Carolina, and W. P. Potter, H. C. Stolzenbach, E. B. Alsop, E. H. Jennings, and G. W. Eisenbeis of the city of Pittsburg, State of Pennsylvania, and J. H. P. Cunningham of the city of New Castle, in said State of Pennsylvania, and their assigns and successors, are hereby created and constituted a body politic and incorporated for perpetual succession by the name of "The Transylvania Railroad."

Section 1, Chapter 360, Laws 1891, amended.

SEC. 5. That section 12 of said chapter 360, Laws of 1891, is hereby repealed and the following is enacted in lieu thereof: "The principal office or place of business in North Carolina shall be in the town of Brevard in Transylvania County, but the directors of the said corporation may by a majority vote change the location of the said office to any other place designated by said directors, and the said directors shall have power to establish other offices in this or any other State that they may deem necessary and convenient for their corporate purposes: *Provided*, they shall keep and maintain at least one office or place of business in the State of North Carolina."

Section 12, Chapter 360, Laws 1891, repealed, and new section enacted.

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

Effective from ratification.

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1901.

## CHAPTER 212.

## AN ACT TO DECLARE THE NORTH CAROLINA TALC AND MINING COMPANY A DULY INCORPORATED COMPANY, AND TO RATIFY, CONFIRM, AMEND AND ENLARGE ITS CHARTER.

## Preamble.

WHEREAS, On the 23rd day of August, A. D. 1898, Francis M. Hewitt and Frank R. Hewitt of Swain County, North Carolina, and P. A. Marquardt and Duff Merrick of Buncombe County, North Carolina, filed in the office of the Clerk of the Superior Court of said Swain County the following duly executed and proven articles of agreement for the formation of a corporation under the general laws of said state, to be known as the North Carolina Talc and Mining 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, in said State, to-wit:

## Articles of agreement.

Articles of agreement, entered into by and between the proposed incorporators hereinafter named and whose names are subscribed to these articles of agreement, for the purpose of the formation of a corporation pursuant to the laws of North Carolina, as contained in section 677 of The Code and the amendments thereto, that is to say, that the subscribers to these articles of agreement have agreed, and by these presents do agree to and with each other, as follows, to-wit:

## Corporate name.

1. That the name of the corporation shall be the North Carolina Talc and Mining Company.

## Proposed business.

2. That the business proposed is that of mining, grinding, and manufacturing talc for market, and of buying, selling and dealing in the same; of quarrying marble and other stones and of sawing, poussing and otherwise preparing the same for market in all forms and for all purposes for which the same are or may be used, and of buying, selling and dealing in all other minerals; and of buying, selling and dealing in mines and mineral properties of all kinds; and for the purposes aforesaid, the said corporation shall have the right and power of acquiring, owning and holding lands, in fee or by less estate, to the extent allowed by the laws of North Carolina; and also the right and power of sinking mines and shafts, and of erecting, equipping and operating mills, workshops, factories and other buildings.

## Principal place of business.

3. That the principal place of business shall be at or near the postoffice of Hewitt, in the county of Swain and State of North Carolina, but said corporation may establish branch offices at other places.

4. That thirty years is the length of time desired for the duration of said corporation. Corporate existence.
5. That the following named persons have subscribed to the capital stock of said corporation: Francis M. Hewitt, Frank R. Hewitt, P. A. Marquardt, Duff Merrick. Incorporators.
6. That the amount of the capital stock of said corporation shall be five thousand (\$5,000) dollars, divided into one hundred shares of the par value of fifty (\$50) dollars each, with the privilege at any time of increasing said capital stock up to twenty-five thousand (\$25,000) dollars. Capital stock.
7. That the stockholders of said corporation shall not be individually liable for its debts, nor shall any stockholder be liable to any creditor for more than the unpaid portion of his or her individual stock subscription. Stockholders' liability.
8. That the stock of said corporation shall be non-assessable. Stock non-assessable.
9. That the said corporation shall have the right, privilege and power of issuing its notes, bonds or other evidences of indebtedness, and of securing any such by mortgages or deeds of trust upon which, any or all of its property and franchises. May issue notes, bonds, etc.
10. That the said corporation shall have the right, privilege and power of making such by-laws and regulations, consistent with the laws of this State, as to it shall seem proper, which by-laws and regulations may be amended, altered and added to at the pleasure of said corporation. May make by-laws.
11. That said corporation shall be entitled to and enjoy all the rights, privileges and immunities granted and allowed to like corporations by the laws of North Carolina. Corporate privileges.
- In witness whereof, the said hereinbefore subscribers to the capital stock of said corporation and parties to this agreement have hereunto set their hands and seals on this 20th day of August, 1898. Signatures of incorporators.

FRANCIS M. HEWITT. [Seal.]

FRANK R. HEWITT. [Seal.]

P. A. MARQUARDT. [Seal.]

DUFF MERRICK. [Seal.]

STATE OF NORTH CAROLINA—County of Swain.

1. J. R. SNOW, Clerk of the Superior Court in and for the County and State aforesaid, do hereby certify that on this the 23rd day of August, 1898, personally appeared before me, Francis M. Hewitt and Frank R. Hewitt, and severally acknowledged the due execution by them of the foregoing and annexed articles of agreement. Probate of Clerk.

In witness whereof, I have hereunto set my hand and official seal on this the [day] and year last above written.

[Official seal.]

J. R. SNOW,

Clerk Superior Court, Swain County.



STATE OF NORTH CAROLINA—*County of Buncombe, ss.*

Probate of Notary  
Public.

I, Charles A. Webb, a Notary Public in and for the County and State aforesaid, do hereby certify that on this the 20th day of August, 1898, personally appeared before me P. A. Marquardt and Duff Merrick, and severally acknowledged the due execution by them of the foregoing and annexed articles of agreement.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, on this the day and year last above written.

[Notarial seal.]

CHARLES A. WEBB,

*Notary Public.*

NORTH CAROLINA—*Swain County.*

Certificate of  
Clerk Superior  
Court.

I, J. R. Snow, Clerk of the Superior Court in and for the County and State aforesaid, do hereby certify that the foregoing certificates, to wit: The certificate of J. R. Snow, Clerk of the Superior Court in and for the said County and State, attested by his official seal thereunto affixed, and the certificate of Charles A. Webb, a Notary Public in and for the County of Buncombe, State of North Carolina, attested by his Notarial seal thereto affixed, are each and both of them adjudged to be correct, in due form and according to law, and the execution of the foregoing articles of agreement for the formation of a corporation to be known as the "North Carolina Talc and Mining Company," is hereby adjudged to have been duly proven. Therefore let the said foregoing articles of agreement for the formation of said corporation, together with this certificate be recorded, and a certified copy of the same sent to the Secretary of State for the State of North Carolina, that he may issue letters patent to said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal on this the 23rd day of August, A. D. 1898.

[Official seal.]

J. R. SNOW,

*Clerk Superior Court, Swain County.*

Declaration of  
incorporation.

AND WHEREAS, All the requirements of the law having been complied with, the said North Carolina Talc and Mining Company was duly incorporated 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, dated on the 30th day of August, A. D. 1898, and the organization of said corporation has been perfected by the election of officers, adoption of by-laws and the issuing of stock, and property acquired and business conducted under said organization.

Company is  
maintaining pub-  
lic mill for grind-  
ing corn.

AND WHEREAS, Said corporation among other businesses has maintained and operated and is maintaining and operating a public mill for the grinding of corn at the post office of Hewitt on the Nantahala River in said County of Swain, saw-mill being operated by water-power furnished from said river;



AND WHEREAS, Said corporation has increased its capital stock to twenty-five thousand (\$25,000) dollars as permitted so to do under its original articles of agreement aforesaid;

Has increased capital stock.

AND WHEREAS, It is desired to ratify and confirm the organization of said company as aforesaid, to validate its acts, and to increase the corporate powers, franchises and privileges of said company;

Wants acts ratified and validated.

AND WHEREAS, It now appears to the General Assembly, that said corporation has made due advertisement of its intention to apply for the passage of this act; therefore,

Advertisements duly made.

*The General Assembly of North Carolina do enact:*

SECTION 1. That said incorporation under this article of agreement filed before said clerk of the Superior Court of Swain County, and said letters patent or charter granted by the Secretary of State of North Carolina, dated on the 30th day of August, A. D. 1898, the organization of the company, the election of officers, the adoption of by-laws and the by-laws adopted, the subscriptions to the capital stock of the company, the receipt of property in lieu of money in payment for such subscriptions, the increase of its capital stock and the issuing of certificates of stocks therefor, are declared valid and are hereby ratified and confirmed, and the said corporation known as the "North Carolina Talc and Mining 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 said letters patent or charter issued by the said Secretary of State upon the said articles of agreement so filed as aforesaid, as fully to all intents and purposes as though said corporation had originally been created by an act of the General Assembly of North Carolina, together with all rights, privileges, powers, franchises and immunities granted to corporations by the general laws of North Carolina, and also all rights, privileges, powers, franchises and immunities specified in this act.

Incorporation validated and confirmed.

Corporate powers and privileges.

SEC. 2. That all purchases of real estate and property heretofore made by said company, the title and possession of and to such property so acquired by purchase or otherwise, the operation of a public mill for grinding corn, and the taking of toll therefor, all contracts heretofore made by said company, and all other of the lawful acts and things heretofore done and performed by said company, its officers, agents or employees in its behalf, in conducting and carrying on its business, are hereby declared valid and are hereby ratified and confirmed.

All purchases of real estate, operation of public mill, etc., validated and confirmed.

SEC. 3. That the said Francis M. Hewitt, Frank R. Hewitt, P. A. Marquardt and Duff Merrick, and any other present stockholders in said company, their associates, successors and assigns, shall continue to be a body politic and corporate for the term of

Corporators to continue a body politic and corporate.

Corporate name.	sixty years from and after the passage of this act under the said name and style of the "North Carolina Talc and Mining Com-
Corporate rights.	pany," and in that name and style shall be capable of suing and being sued, of pleading and being impleaded, contracting and being contracted with, of having and using a corporate seal and of altering and changing the same at pleasure, of making and adopting such by-laws and regulations as may be deemed by it expedient or necessary for the purposes of its government, not inconsistent with the laws of said State, and of altering and amending and repealing the same; but no new organization of said company shall be required or deemed necessary.
Capital stock.	SEC. 4. That the amount of the capital stock of said corporation shall be twenty-five thousand (\$25,000) dollars, divided into five hundred (500) shares of the par value of fifty (\$50) dollars each, with the privilege of at any time increasing said capital stock up to one hundred thousand (\$100,000) dollars.
May acquire stock of other corporations, etc.	SEC. 5. That said company shall have the right, privilege and power of acquiring, holding and selling the stock of other corporations, both domestic and foreign, and the right and power of purchasing, leasing or otherwise acquiring and holding 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 acquired.
May own and hold lands.	SEC. 6. That said company shall have the right, privilege, power and authority of owning and holding lands to any extent that it may desire.
May maintain and operate mills, etc.	SEC. 7. That said company shall have the right, privilege, power and authority of maintaining and operating a public mill for the grinding of corn and other grains and of taking toll for same in accordance with the laws of the State of North Carolina.
May construct dams, etc.	SEC. 8. That said company shall have the right, privilege, power and authority to construct, erect and maintain a dam or dams, of such height as they may deem necessary, across the Nantahala River in said county of Swain, at any point where said company may now or hereafter own the land on either side of the river, for the purpose of ponding and storing water to be used as a motive power for any machinery, power plant, mill or factory the said company may desire to operate.
Power to enter upon and occupy lands for building purposes, etc.	SEC. 9. That 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 and maintaining any such dam or dams; and whenever and as often as an agreement cannot be had between the said company and the owner or owners of any of such lands, or those entitled to the beneficial interests 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, or so
Right of eminent domain.	

much thereof as may be necessary, condemned and acquire title thereto in the manner and by the special proceeding hereinafter provided.

SEC. 10. That whenever and as often as the building or maintaining of any such dam by said company, as provided for in the preceding section, shall cause the backwater 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 backwater from such dam when completed will flood and pond the lands of others, and an agreement can not be had between the said company and the owners of such lands, or those entitled to the beneficial interests therein, as to the terms upon which such land may be purchased or used by said company, the said company shall have the right to have such lands condemned and may acquire title thereto in the manner and by the special proceeding hereinafter provided: *Provided, however,* that in all cases where lands shall have been condemned during the process of construction of any such dam, the said company shall not acquire any title to any such lands, until such dam shall have been actually completed and such lands shall have been actually flooded by the backwater.

May condemn lands for purpose of maintaining dam, on failure to agree with owners as to price.

Proviso as to condemned lands.

SEC. 11. That whenever and as often as the said company shall have the right to have the lands of others condemned for its own use, as hereinbefore provided in the preceding two sections, it may proceed in the manner following: Said company may present to the Clerk of the Superior Court of the county in which is situate the real estate, the title to 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 description of the real estate the title or the right to use which the said company desires to acquire and the purposes for which such real estate is to be used; said petition must in effect state that the said company is duly incorporated, and that the real estate 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. Such petition must also state the names and residences, so far as they can by reasonable diligence be ascertained, of the parties who own or claim to own such real estate, and if such parties are infants, their ages as near as the same may be ascertained must be stated; and if any of such parties are idiots or lunatics or unknown, such facts must be stated, together with such other allegations of and incumbrances

Procedure in condemnation.

on said real estate it is necessary to inform the Court fully as to whom may be interested in such real estate, and the said petitioners may desire to make. A copy of said petition shall be served with the summons issued by the clerk or said Court, on all persons whose interest in such real estate is affected by such proceeding, at least ten days prior to the hearing of the same by said Court, and the clerk of said Court shall issue a summons containing a statement of the time and place where said petition shall be heard, directed to all persons named therein, commanding them to appear and plead thereto. That all said proceedings shall be conducted according to subdivisions one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) of section nineteen hundred forty-four (1944) of The Code of North Carolina, and sections nineteen hundred and forty-five (1945), nineteen hundred and forty-six (1946, nineteen hundred forty-seven (1947), nineteen hundred forty-eight (1948), nineteen hundred forty-nine (1949), nineteen hundred fifty (1950), nineteen hundred fifty-one (1951) and nineteen hundred fifty-two (1952) of said Code, and the laws amendatory thereof, as near as such proceedings may be; and said subdivisions and said sections of said Code and amendments thereto shall apply to said company and its proceedings as fully as if incorporated herein a length as far as the same may be applicable: *Provided always*, That said company, The North Carolina Tale and Mining Company, shall pay all damages that may occur or be incurred as the same may be adjudged by reason of the condemnation of the lands as aforesaid.

May condemn  
lands in manner  
prescribed in  
Chapter 43 of  
Code.

SEC. 12. That said company, if it so desire, may proceed to have all lands necessary for the purpose of building any dam or dams as aforesaid condemned to its use in the manner prescribed in chapter forty-three (43) of The Code entitled "Mills," and may elect to pay only annual damages on any lands flooded by the backwater from any such dam, which damages, as they cannot be agreed upon by the parties, shall be determined in the manner prescribed in said chapter 43; but nothing in this section contained shall be construed as limiting said company to proceedings under said chapter 43 of The Code, but the right is hereby expressly given and reserved to said company of proceeding either in the manner prescribed in section nine (9), ten (10) and eleven (11) of this act, or under said chapter 43 of The Code, or both, as said company may desire.

Written consent  
of owner of lands  
valid.

SEC. 13. That the written consent of the owner or owners of any lands or 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 such dam or dams, shall be valid and effectual to give the said company the same power and authority over such lands, as if the same had been conveyed to it by deed of bargain and sale, or condemned in the manner hereinbefore prescribed.

SEC. 14. That nothing in this act contained shall be construed as depriving the said company of any right, privilege or power, which it may have had under its charter granted by the Secretary of State as aforesaid on the 30th day of August, 1898, or that was attempted to have been granted to said company by said charter.

Nothing in act to be construed to deprive company of rights conferred in original charter.

SEC. 15. That this act shall be in force and effect from and after its ratification.

Effective from ratification.

In the General Assembly read three times, and ratified this 4th day of February, A. D. 1901.

#### CHAPTER 213.

### AN ACT TO ESTABLISH A PUBLIC FERRY ACROSS PEE DEE OR YADKIN RIVER BETWEEN THE COUNTIES OF MONTGOMERY AND STANLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be a public ferry across the Pee Dee or Yadkin River between the counties of Stanly and Montgomery at the old Allenton Ferry Site, landing on the lands of Mrs. R. J. Turner, on the Stanly side, and G. H. A. Lilly and others, on the Montgomery side, about three miles from the town of Norwood on the old road leading from Norwood in Stanly County to Mt. Gilead, in Montgomery County.

Public ferry across Pee Dee or Yadkin River between Stanly and Montgomery counties. Landings specified.

SEC. 2. That said ferry shall be owned and operated by Mrs. R. J. Turner and her heirs and assigns and shall charge such rates of toll, carriage or ferriage as are now charged by similar ferries on said river, or as may be prescribed by the County Commissioners of Stanly and Montgomery counties, who may carry the same into effect by the appointment of a committee from the two counties to agree upon such rates, and the said ferry shall be operated for the convenience of the traveling public under all the pains, penalties and liabilities now prescribed by law, and the said Board of Commissioners shall take all necessary steps according to law for the maintenance and repairs of the highways and public roads now leading to said ferry.

Mrs. R. J. Turner owner and operator.

Rates may be prescribed by County Commissioners of both counties.

SEC. 3. That the grant of privileges and franchises herein is made and given to the said Mrs. R. J. Turner, and her heirs and assigns for the period of fifty years, subject to the right of the General Assembly at any time to remove and annul the same for proper causes.

Corporate duration.

SEC. 4. That if the owners of said ferry shall be unable to obtain the consent of the owners or persons in possession of the land on the Montgomery side of the river, as aforesaid to the construction of a landing for said ferry the fastening of the wire

Provisions for obtaining landing on Montgomery side.

rope belonging thereto, and all other rights and privileges necessary for the landing and operation of said ferry upon said land, then the owners of said ferry may file their petition before the Board of Commissioners of Montgomery County and upon the filing of said petition it shall be the duty of said Board of Commissioners to appoint three disinterested freeholders, related to neither party by blood or marriage as Commissioners, who shall, after being duly summoned and sworn by the Sheriff, to meet on the premises, proceed to locate and fix the said landing and sufficient room for all the necessary rights, privileges and attachments thereto, having first given the owner or occupant of said land ten days' notice of said meeting, and upon such location being made shall proceed to condemn so much of said land to the use of said ferry as may be necessary for said landing, fixtures and attachments, and shall fix the valuation thereof and make their report in writing and file the same within ten days thereafter with the Clerk of the County Commissioners, who shall record the same in the minute book of said county, which record shall constitute a deed to said lands so condemned, and said landing shall thereupon be constructed upon the said land so condemned, and said land shall constitute a part of the public road leading to said ferry, and be subject to all the provisions of laws respecting public roads: *Provided*, that the owners of said ferry shall be liable for the damages assessed upon the condemnation of said lands: *And provided further*, that either party shall have the right of appeal to the Superior Court of Montgomery County in the question of damages, but such proceeding before the Commissioners nor appeal shall not hinder or prevent the immediate construction and continued use and operation of said ferry and landing, if the owners of said ferry shall execute a justified bond in double the sum assessed as damages conditioned to pay all such damages as may be recovered upon such appeal.

**Assessors to be appointed.**  
**Assessors to meet on premise.**  
**Shall condemn sufficient land for purposes of landing.**  
**Shall report proceedings to Clerk.**  
**Proviso.**  
**When effective.**

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 214.

### AN ACT TO INCORPORATE THE FREEWILL BAPTIST THEOLOGICAL SEMINARY.

*The General Assembly of North Carolina do enact:*

**Incorporators.**

SECTION 1. That J. M. Barfield, E. F. Phillips, W. F. Hart, W. W. Lewis, T. J. Sawyer, A. T. Dawson, W. E. Moye, E. E. Dail, E. H. Craft, Jesse T. Hart, A. L. Harrington, J. S. Barbee and B. F. Earley, and their associates and successors be, and they are hereby created a body politic and corporate, to be styled "The

Board of Trustees of the Freewill Baptist Theological Seminary," for the purpose of maintaining an educational institution at Ayden, in the county of Pitt, and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property, real and personal, and exercise all acts in relation thereto incident to the ownership of personal and real estate, and as such shall have all the powers of trustees of like institutions.

Corporate name.

Location.

Corporate rights and powers.

SEC. 2. That said body politic shall have power to make such by-laws and regulations, not inconsistent with the laws of the State, as shall be deemed necessary to promote the objects of the corporation, and may, if they so elect, have and use a common seal.

May make necessary by-laws and regulations.

SEC. 3. That said corporation shall have power to grant diplomas.

May grant diplomas.

SEC. 4. That the individual property of said trustees shall not be liable for the debts of said institution.

Individual property of incorporators not liable for corporate debts.

SEC. 5. That the whole amount of real and personal estate belonging to said corporation shall not at one time exceed in value the sum of one million dollars.

Amount of property held not to exceed one million dollars.

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

Effective on ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 215.

AN ACT TO ALLOW THE TRUSTEES OF BELVIDERE COLORED SCHOOL-HOUSE, IN RANDOLPH COUNTY, TO MAKE A TITLE TO SAID HOUSE AND LOT.

WHEREAS, Belvidere colored school-house and lot was deeded to three trustees, to-wit: Reuben Phillips, Samuel Hale and Samuel Green, and their successors in office; and.

Preamble.

WHEREAS, Said trustee has sold said property, "Belvidere colored school-house and lot," to Dow Phillips, Moses Hill and John Pool, trustees of Belvidere Colored Methodist Episcopal Church for the purpose of religious worship; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Samuel Hale, trustee of said property, be allowed to make title to the same to the said Dow Phillips, Moses Hill and John Pool.

Samuel Hale, trustee, to execute title.

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

Effective from ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.



## CHAPTER 216.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF MT. AIRY TO ISSUE BONDS TO SUPPLY THE TOWN WITH WATER AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Board of Commissioners of Mt. Airy authorized to issue bonds not to exceed \$50,000. Form of bonds and interest coupons.

SECTION 1. That the Board of Commissioners of the town of Mt. Airy are hereby authorized and empowered to issue bonds not exceeding the sum of \$50,000 in series in amounts to be determined upon by Commissioners; said bonds shall bear 5 per cent interest per annum, which interest shall be payable annually or semi-annually as the Commissioners may determine, and each bond shall have coupons attached thereto for the amount of interest due thereon, for each year or half year as the case may be that they have to run; said bonds shall be in denomination and forms as shall be determined upon by the Mayor and the Board of Commissioners, and shall mature and be made payable in not less than thirty years nor more than fifty years from the date of their issue, and shall be signed by the said Mayor, and countersigned by the clerk of the said board, and sealed with the seal of the town, and the said clerk shall keep the record of the number and amount of each class of bonds issued, the date of issue, when the same mature, and to whom payable; said bonds shall not be sold, hypothecated or otherwise disposed of for less than their par value, nor shall said bonds or their proceeds be used for any other purpose than the purpose herein mentioned.

When to mature.  
How signed.

Clerk to keep record.

Not to be sold for less than par value.

Purposes for which bonds may be issued and used.

SEC. 2. That the said bonds and the proceeds arising from the sale thereof shall be used for the following purposes and none other, to-wit: To build, establish, construct and at all times maintain in the town of Mt. Airy a system of water-works and electric light and power plant for the purpose of supplying the said town, its inhabitants and others with water and electric lights, and motive power for all public and private uses and purposes, for which they may be desired, and to charge, demand and collect such reasonable rates for the use of water, electric lights and of the said motive power, and for the other purpose of street improvements in the said town.

Town Commissioners authorized to levy annual tax to pay interest and provide sinking fund.

How levied and collected.

SEC. 3. That for the purpose of paying the interest which may accrue on said bonds and for accumulating a fund for the principal of the said bonds as they shall mature and for the payment of the same at maturity, the said Board of Commissioners of the 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 66 2-3



cents on the \$100 of the assessed valuation of all real and personal property in the said town, and also on all taxable polls not exceeding \$2.00; said taxes shall be used for purposes mentioned in section two of this act, and no other.

SEC. 4. That said special tax shall be collected by the Town Tax Collector under the same rules and regulations as are prescribed for the collection of the general town taxes and shall be paid to the Treasurer of the town, who shall give a bond in the sum double the amount of the said special tax, with good and sufficient securities, conditioned for the faithful and honest management and disbursement of the said special tax. The said Treasurer shall keep an account of the receipts and disbursements of the said special tax money, in a separate book to be kept for that purpose, and he shall annually publish a statement showing the balance and condition of special tax funds in his hands.

SEC. 5. That all polls shall be opened at such time or times as may be appointed by the Commissioners of the said town at the usual polling places in the said town, and all qualified voters residing within the corporate limits of the said town shall be entitled to vote. All persons who shall be in favor of issuing the bonds or any one or more series which shall have been specified in the call for an election by the said Town Commissioners, may vote on a written or printed ticket "For Bonds," and all persons who shall be opposed to the issuing of the said bonds may vote on a written or printed ticket "Against Bonds," and if a majority of all the qualified voters shall vote "For Bonds," then the provisions of this act shall take effect and be in force from and after the date of said election, and if a majority of all the qualified voters shall vote "Against Bonds," then no bonds of the series then voted upon shall be issued. That said election shall be held and returns thereof made under the same provisions, rules and regulations as exist in case of election of Mayor and Board of Commissioners of the said town. The said Commissioners shall have power to call elections to vote upon the issuing of one or more series, the bonds to be designated as series A, B, C, D, in such sums as they in their discretion may designate in their call: *Provided*, that none of the elections provided for in this act shall be held until notice shall be given of the time and place, a synopsis of the object and purpose of this act for thirty days by posting notices and inserting notice in the *Mt. Airy News*, or some other paper published in the town of Mt. Airy.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

For what used.

Town tax collector to collect and pay to town treasurer.

Treasurer to give bond.

Treasurer to keep account of receipts and disbursements.

Shall publish annual statement.

Polls, how opened and who to vote.

Manner of voting.

Election, how held and returns made.

Commissioners to call one or more elections.

Proviso.

Conflicting laws repealed.

## CHAPTER 217.

## AN ACT TO WITHDRAW AUTHORITY FROM THE COMMISSIONERS OF MOUNT AIRY TO ISSUE CERTAIN BONDS.

Preamble.

WHEREAS, On the 2d day of March, 1896, an election was held in the town of Mount Airy to ascertain the will of the qualified voters upon the question of issuing bonds for \$25,000.00 of the town, to supply the town with water;

WHEREAS, At said election a majority of the qualified voters voted for issuing said bonds;

WHEREAS, In obedience to the will of the voters thus expressed, the Board of Commissioners issued \$25,000.00 of the bonds of the town, but never sold them; and,

WHEREAS, The said bonds were subsequently, by an order of the Board of Commissioners, burned in the presence of a committee appointed by the said board for that purpose; now, therefore,

*The General Assembly of North Carolina do enact:*

Authority withdrawn.

SECTION 1. That all authority to re-issue said bonds be and the same is hereby withdrawn.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 218.

## AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-FOUR OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN.

*The General Assembly of North Carolina do enact:*

Sec. 31, chap. 194,  
Private Laws 1897,  
amended.

SECTION 1. That section 31 of chapter one hundred and ninety-four of the Private Laws of the General Assembly of North Carolina, passed at the session of one thousand eight hundred and ninety-seven, be and the same is hereby amended by striking out the words "one dollar" in line one of subsection 2 of said section 31, and by inserting in lieu thereof the words "three dollars."

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 219.

AN ACT TO EXTEND THE DURATION OF THE CORPORATE  
EXISTENCE OF "THE YADKINVILLE NORMAL SCHOOL."*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate existence of "The Yadkinville Normal School" corporation be and the same is hereby extended for a period of twenty years from January the fifth, nineteen hundred and one, with all the rights, powers and privileges contained in the original articles of incorporation.

Corporate duration of the Yadkinville Normal School extended 20 years from January 5, 1901.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 220.

## AN ACT TO INCORPORATE THE RUTHERFORDTON, HICKORYNUT GAP AND ASHEVILLE RAILWAY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That M. H. Justice, M. O. Dickenson, Jason Ashworth, J. S. Williams, Frank Williams and Theo. F. Davidson, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under the name of the "Rutherfordton, Hickorynut Gap and Asheville Railway," and under that name and style they and their successors and assigns shall have succession for ninety-nine (99) years, and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court of competent jurisdiction in this State or elsewhere; shall have a common seal which they may use or alter at pleasure, and they and their successors and assigns, under the said corporate name and style, shall have power to receive by purchase, device, or gift, any and all kinds of property, lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and object of the said corporation, and to sell, lease, or convey the same; they shall have power to make such by-laws and regulations for their own government, and for the due and orderly conducting of their affairs and the management of their property and business as may be deemed necessary.

Incorporators.

Corporate name.

Corporate duration.

Corporate powers, rights and privileges.

Authorized to build, equip and operate steam, electric or other railways.

May operate from town of Rutherfordton through the counties of Rutherford, McDowell, Polk, Henderson, Buncombe, Haywood, Madison, Jackson and Swain to some point on North Carolina and Tennessee line.

May construct and operate branch lines.

Capital stock.

Shares.

How paid.

Incorporators to meet in Asheville first Monday in April, 1901, and open books of subscription.

When to organize.

Directors, how and when elected.

Term of office.

President, how elected.

SEC. 2. That the said corporation is hereby empowered and authorized to lay out, construct, equip, maintain and operate, by steam, electricity, or such other motive power as the Board of Directors thereof or the stockholders therein may from time to time determine, railways in this State, with one or more tracks, with the necessary cars, machinery, station houses and fixtures from the town of Rutherfordton, in the county of Rutherford, or from any other point connected with any other railroad or railway system in the vicinity of the said town of Rutherfordton, in the county of Rutherford, State of North Carolina, and through said county, and the counties of McDowell, Polk, Henderson, Buncombe, Haywood, Madison, Jackson and Swain to some point on the North Carolina line and the Tennessee line, which will enable it to make connection with the railways having their termini in the city of Knoxville, in the State of Tennessee; and the said corporation may in its discretion construct and operate branch lines from any point on its main line, as hereinbefore indicated to such points or places in this State as it may determine, and connect and consolidate with any other railway company and railway system operating any other railway in this or any other State.

SEC. 3. The capital stock of the said corporation shall be fifty thousand (\$50,000) dollars (with privilege and power of increasing the same to five millions of dollars), divided into shares of the par value of one hundred dollars each; and may be paid in and received in money, labor, land, material, bonds, subscription to stock, or other obligations of and from individuals, townships, counties, cities, towns or other municipal organizations, or other corporations, as the Board of Directors of the said corporation may agree upon and determine.

SEC. 4. That the said corporation, or a majority of them, shall assemble in the city of Asheville on the first Monday in April, 1901, or at such day thereafter as they may determine, and open books for the subscription of stock to the said corporation, and upon the subscribing of five thousand dollars of the said capital stock, they may proceed to the organization of the said corporation.

SEC. 5. At the time of the said organization and annually thereafter, at such times and places as may be fixed by the said corporation, its directors or shareholders, the said subscribers shall elect from their number not less than three or more than seven directors of the said corporation, who shall hold their offices for one year from the date of their election, and till their successors shall be elected and qualified; and the directors so chosen and annually thereafter, shall elect one of their number president of said corporation, and also a treasurer and secretary, and such

other officers as they may determine, all officers, however, shall hold their terms of office for the terms prescribed by the said corporation, and shall be removable at any time when in the judgment of the directors or the stockholders thereof shall be deemed fitting; and all vacancies occurring from any cause shall be filled by the Board of Directors, until the next annual meeting of the stockholders.

SEC. 6. All meetings of stockholders and directors of said corporation shall be held at such times and places as the stockholders may from time to time determine; and in all meetings of the stockholders each share of stock shall be represented in person or by proxy, and be entitled to one vote, the proxies for all shares to be verified and authenticated as may be prescribed by the by-laws of said corporation; and said corporation is hereby authorized to issue certificates of stock to the subscribers thereof, which may be transferred in the method to be prescribed by the by-laws.

SEC. 7. That said corporation shall have the right to have land condemned for right of way, and for necessary warehouses and other buildings according to existing laws, the width of the right of way not to exceed two hundred (200) feet; and shall have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or persons, and to consolidate with any other railroad company now created, or which may hereafter be created, by the laws of this State, and may change its name whenever a majority of the stockholders so desire, and shall have power to contract with individuals, firms and corporations for the construction or operation of said railroad, and also for the equipment thereof.

SEC. 8. That said corporation is hereby authorized to build and operate telegraph and telephone lines on its right of way or any part thereof; and to establish, maintain and operate shops, machinery mills, and other structures and appliances necessary not only for the operation of its railways, but also for the manufacture of cotton, wool, lumber, wood pulp, for mining, quarrying and the use of water for the purpose of irrigation, or for operating other useful enterprises or businesses not inconsistent with the laws of North Carolina.

SEC. 9. That said corporation shall have the right to borrow money and to make, issue, negotiate and use its bonds in such sums and to such amounts as to the directors may seem expedient, and the said bonds shall bear no greater rate of interest than six per centum per annum, and shall be payable at such times and places as the Board of Directors may determine, and the said corporation shall have power to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds of trust on its property, rights and fran-

Treasurer and secretary.  
Term of office.

Vacancies, how filled.

Stockholders and directors' meetings.

Stock, how voted.

Certificates of stock may be issued.

Right of eminent domain.

Power to sell or lease its road-bed, franchises, etc.

May change corporate name.

May build and operate telegraph and telephone lines, shops, mills, etc.

May build cotton and other mills, etc.

May borrow money, make, issue and negotiate bonds, etc.

Principal and interest on bonds, how secured.

chises, including its road-bed, superstructures and real estate and personal estate of whatever kind, upon such terms and to such trustee as the Board of Directors may order.

May purchase and hold lands, timber, etc.

SEC. 10. That said corporation is hereby empowered to purchase and hold such lands, timber and personal property as it may deem necessary and proper for the efficient conduct of its business, all of which property may be acquired, held, used and disposed of at the discretion of the corporation in any manner not inconsistent with law: *Provided*, that said corporation shall have power to hold at the same time for terminals, stations, depots, warehouses, etc., any number of acres of land, even exceeding three hundred acres.

Stock non-assessible when fully paid up.

SEC. 11. That no assessment shall be made upon any of the stock of said corporation after the same has been fully paid, nor shall the owners thereof be liable for the obligations, indebtedness or any liability whatever of said corporation.

Stockholder not individually liable.

SEC. 12. That said corporation, besides the powers herein granted, shall be invested with all the powers and privileges granted to corporations by chapters sixteen and forty-nine of The Code and amendments thereto, not inconsistent with the provisions of this act.

Invested with all rights, etc., under chapters 16 and 49 of The Code.

Principal office.

SEC. 13. That the principal office of said corporation shall be located at the city of Asheville, North Carolina, unless hereafter changed by order of the stockholders of said company.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 221.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR, IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Section 2, chapter 23, Private Laws 1885, stricken out and new section inserted.

SECTION 1. That section two, chapter twenty-three, of the Private Laws of one thousand eight hundred and eighty-five, be and the same is hereby amended as follows: Strike out all of said section and insert in lieu thereof the following: "That the qualified voters living in the corporate limits of the town of Lenoir may on the first Monday in May, one thousand nine hundred and one elect by ballot six Commissioners and a Mayor, two of said Commissioners to be elected for a term of one year each, two

Voters to elect Mayor and Commissioners.

Term of office.

for a term of two years each, and two for a term of three years each, and said Mayor to be elected for a term of one year. That on the first Monday in every May thereafter two Commissioners shall be elected by ballot for a term of three years each, and a Mayor for a term of one year. Said Mayor and Commissioners shall hold their terms as above set forth or until their successors shall be elected and qualified. That said Commissioners and Mayor and their successors in office shall be a body politic and corporate under the name and style of the town of Lenoir, and as such shall have all the powers and privileges incident to and usual to corporations of like character in addition to the powers hereby conferred.

Two Commissioners to be elected for term of three years annually.

Mayor and Commissioners a body politic.  
Corporate name.

Duties and powers.

SEC. 2. That section six of said act be and the same is hereby repealed.

Section 6 repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 222.

#### AN ACT TO INCORPORATE THE WASHINGTON AND PLYMOUTH RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. M. Whaley, R. S. Cohn, E. A. Armstrong and Surrey Parker, and other such persons as may become associated with them as stockholders, and their successors and assigns, be and they are hereby declared to be a body politic and corporate under the name of the "Washington and Plymouth Railroad Company," and when organized as hereinafter provided said corporation may have and use a common seal, and sue and be sued in all the courts of the State by its corporate name, and may acquire, hold, own and possess such real and personal estate as shall be necessary for the purposes of this corporation and may lease, sell and convey the same as the interest of said company may require, and may make and exercise all such by-laws and regulations necessary for its government not inconsistent with the laws of this State or of the United States. The said company shall have succession and exist as a corporation for ninety-nine years.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That the said railroad company is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from the town of Washington, in

Authorized to build and maintain a railroad from Washington, N. C., to Plymouth, N. C.

	<p>Beaufort County, to the town of Plymouth, in Washington County, and may establish such gauge for said road as it may deem proper. The said company may in its discretion construct and operate any part of this road before the whole thereof shall be completed.</p>
<p>Rights as to other railroads, etc.</p>	<p>SEC. 3. The said railroad company shall have the right and power to cross the tracks of other railroads and to connect with any railroad now or hereafter chartered, and to lay down its tracks and operate its road along, across or through the streets of the town of Washington and the town of Plymouth or any other incorporated towns along the line of or at the termini of such railroad, by and with the consent of the corporate authorities of said town, and upon such terms as may be prescribed by the corporate authorities thereof, and such towns are hereby authorized to grant to this railroad company such rights of way along or across the streets of said towns.</p>
<p>Capital stock.</p>	<p>SEC. 4. That the capital stock of said company shall be twenty-five thousand dollars (\$25,000.00) with power to increase the amount from time to time to an amount not more than one million dollars (\$1,000,000), and the par value of each share of stock shall be one hundred (\$100.00) dollars. The capital stock shall be raised by donation or subscriptions on the part of individuals, municipalities or other corporations, and such donations or subscriptions for stock may be paid in money, labor, land, materials, bonds or other security, or in any other manner that may be agreed on between the company and its subscribers.</p>
<p>Par value of shares. Capital stock, how raised.</p>	
<p>May open books of subscription.</p>	<p>SEC. 5. That the corporators herein named, or a majority in interest of the same, may open books of subscription to the capital stock of the company at such times and places as may be appointed by said corporators, and said corporators at any time after the sum of twenty thousand dollars (\$20,000.00) has been subscribed to the capital stock of said company and ten per centum has been paid, shall be authorized and empowered to call together the subscribers to the capital stock of the said company for the purpose of completing the organization thereof in accordance with the provisions of this act. No original or subsequent subscribers to the capital stock or their successors or assigns shall be individually liable for the debts, contracts, torts or other liabilities of this corporation, beyond the par value of his share of stock.</p>
<p>When may organize.</p>	
<p>Individual liability of stockholders.</p>	
<p>Stockholders' meetings.</p>	<p>SEC. 6. That the said company shall hold a meeting of the stockholders at its organization and annually thereafter, and shall select not less than three and not more than nine directors, who shall hold office for one year and until their successors shall be elected and qualified, and in all such meetings of the stockholders a majority of all the stock shall be represented in person or by proxy, such proxy to be verified in the manner to be prescribed by</p>
<p>Directors, how elected; term of office.</p>	
<p>Proxies.</p>	



the by-laws, and each share shall be entitled to one vote on all questions. The time for the annual meetings of the stockholders, the number of directors and the number of officers other than the president, shall be fixed by the by-laws, and the stockholders at the organization or at any regular meeting, or at any special meeting called for that purpose, shall have the power to make or alter any of the by-laws of the company. The Board of Directors shall elect all of the officers of the company at each annual meeting and shall have power to fill all vacancies. The offices of secretary and treasurer may be held by one person if the by-laws shall so provide.

Time of annual meeting, number of officers, etc., to be fixed by by-laws.

Board of Directors to elect officers.

SEC. 7. That the said company shall issue certificates of stock to its members duly authenticated and the same may be transferred, in such manner as may be prescribed by the by-laws of the company.

Certificates of stock.

SEC. 8. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad, the said right of way not to exceed fifty feet on each side from the center of the road-bed, or an aggregate width of one hundred feet, and also as much additional land as may be necessary for the station houses, depots, terminals, wharves, and all other objects necessary for the construction and operation of said railroad, and to that end said railroad company may condemn the same under the right of eminent domain. In case it shall be necessary to institute legal proceedings for the condemnation of rights of way or for suitable depots or terminals, or for the purpose of assessing any damages which may be claimed by any abutting owner of land on the streets of the towns of Plymouth or Washington as aforesaid or other towns, special proceedings may be instituted in the Superior Court of the county in which the land lies and the method of procedure shall be as provided by the general existing law, except that the Commissioners to be appointed for the purpose of assessing valuations or damages shall be appointed by the resident judge of the Judicial District in which such county is situated, and the Clerk of the Superior Court of such county shall certify to such resident judge when it shall become necessary to appoint the said Commissioners.

Right of eminent domain.

Procedure.

SEC. 9. That whenever the road of this company and of any other company or companies incorporated by the laws of this State shall be connected with each other, they may consolidate and merge with one another their respective capital stocks, property and franchises, upon such terms as may be agreed upon between them by a majority of their respective stockholders, whereupon the consolidated company can adopt such corporate names as it may choose and may establish its principal office at any point on the line of the consolidated railroad within this State.

May consolidate with other roads, etc.

Branch roads.

SEC. 10. That this company shall have the power to build branch roads not to exceed twenty-five miles in length.

May borrow money, etc.

SEC. 11. That the said company is authorized and empowered to borrow such amounts of money and upon such rate of interest, not exceeding six per centum, as may be directed or approved by a majority of the stockholders, and it may issue its bonds and secure the same by mortgage or deed in trust upon the whole or any part of its property and franchises, and the said company is hereby authorized to dispose of, sell or negotiate its bonds secured by mortgage or deed in trust at such price and upon such terms as the Board of Directors shall deem most advantageous to the company.

May construct and operate telegraph and telephone lines.

SEC. 12. That the said company is hereby authorized to construct and operate, at its option, one or more lines of telegraph or telephones along its railroad, and to charge and collect such remuneration for messages or dispatches as the Board of Directors may determine, and the said company may connect said lines of telegraph or telephones with the lines of any other company and may lease or sell the same: *Provided*, said company shall be subject to all the provisions of law governing telegraph and telephone companies.

Construction, when and where to begin.

SEC. 13. That said company shall be authorized to begin the construction of said road at any point on the line projected for same and may select the route for its proposed railroad and may purchase any existing railroad along such proposed route, and may operate any portion of said railroad after completed, and shall have exclusive right of transportation over the same.

May build, purchase, own and operate barges, steamboats, etc.

SEC. 14. That the said company shall have the right to build or purchase, or own barges, steamboats or other vessels suitable for carrying lumber or other merchandise or products as well as passengers, and may operate the same in connection with said railroad.

Additional powers, rights and franchises.

SEC. 15. That in addition to the special powers herein granted, the said company shall have all rights, powers, franchises and immunities granted by existing general laws for the benefit of railroad companies or which may be hereafter enacted for such purpose.

May begin construction in two years.

SEC. 16. That said company may begin the construction of its road at any time within two years from the ratification of this act.

Conflicting laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 223.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO, ENTITLED "AN ACT TO INCORPORATE THE PROPRIETORS OF THE WILMINGTON CEMETERY."

WHEREAS, The said corporation "Proprietors of the Wilmington Cemetery," has, for several years past, entered into contracts with many of the owners of lots in the cemetery called "Oakdale," owned and conducted by said corporation, for the perpetual care of the lots of said lot owners, respectively, in consideration of each of them paying a certain sum of money for that purpose; and,

Preamble.

WHEREAS, By such payments, a fund has been accumulated and invested and has been, and is now held by said corporation, separate and apart from its general funds, and designated the "perpetual agreement funds," for the sole purpose of insuring the performance of the contracts made with said lot-owners, the income derived from said fund being applied to keeping their lots in good order; and,

WHEREAS, It is advisable for the better security and administration of said fund and for other reasons that the charter of said corporation should be amended as hereinafter set forth; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventy-five of the Private Laws of one thousand eight hundred and fifty-two, entitled "An act to incorporate the proprietors of the Wilmington Cemetery," ratified the 27th day of December, A. D. 1852, be amended by adding thereto this section and section two of this act: "That the president and directors of said corporation shall have power and authority, and it shall be their duty, as soon as practicable, to appoint and constitute three persons as trustees for the said fund, mentioned in the preamble of this act as the "perpetual agreement fund," who shall be selected from the lot-owners aforesaid, who have contracted with said corporation, as mentioned in said preamble, which said persons so appointed, and their successors in said trust are hereby constituted and declared to be perpetual trustees of said fund upon the trusts and for the purposes hereinafter declared: *Provided*, that the president and directors of said corporation shall have power, and it shall be their duty, to fill all vacancies among said trustees occasioned by the death, resignation, refusal or inability to serve of any of said trustees: to declare vacant the office of any trustee who shall

Chapter 175, Private Laws 1852, amended.

Powers of president and directors to appoint trustees.

Proviso.

fail to accept, or to act after being appointed as such trustee and to appoint another person as trustee in his stead.

Trustees appointed and qualified, president and directors to turn fund mentioned in preamble into their control and management.

SEC. 2. That as soon as said trustees shall be appointed, as provided in the foregoing section of this act, and signify their acceptance of said trusts, the said president and directors shall convey, transfer, deliver and pay over to said trustees the fund mentioned in the preamble of this act as the "perpetual agreement fund," and all bonds, stocks, notes or other securities, in which the same or any part thereof has been invested, and also, from time to time, as the same shall be received, all sums of money which the lot-owners shall hereafter pay under the contracts which may be hereafter made by said corporation with them for the perpetual care of their lots. And the said trustees shall take charge of and carefully hold, keep and preserve the same and shall invest all sums of money so paid to them as aforesaid, in their discretion, and may change any investments heretofore or hereafter made, whenever in their discretion deemed advisable for the benefit or security of said fund. And no part of the principal of said fund shall be otherwise used or expended, but shall be and remain a perpetual fund in the hands of said trustees and their successors, for the purpose of insuring the performance by said corporation of the contracts made or which shall be hereafter made, by said corporation with the lot-owners, for the perpetual care of their lots, and shall not be liable, in any manner, for the debts, or obligations of said corporation or of said trustees. The income derived from the said fund shall be paid over by said trustees to the treasurer of said corporation as the same shall be received by said trustees and shall be used, applied and expended by said corporation under the direction of its president and directors, solely and exclusively for the purpose of defraying the expenses incurred in keeping in good order the lots of those lot-owners who have heretofore contracted or shall hereafter contract with said corporation for the perpetual care of said lots, according to the terms of said contracts. And said trustees shall annually report to the president and directors of said corporation all their acts and doings in regard to said fund and render proper accounts of the same; and said president and directors may at any time, in their discretion, call for the same.

Duties, rights and powers of trustees.

Section 1, Chapter 175, Private Laws 1852, amended.

SEC. 3. That section one of said chapter one hundred and seventy-five of the Private Laws of one thousand eight hundred and fifty-two be amended by striking out the words "Proprietors of the Wilmington Cemetery" in line eleven of said section (printed laws), and inserting in lieu thereof the words "The Oakdale Cemetery Company," the object being to change the name of said corporation.

Corporate name changed.

SEC. 4. That section five of said chapter one hundred and sev- Section 5  
 enty-five, of the Private Laws of one thousand eight hundred and amended.  
 fifty-two, be amended by striking out all of said section after the  
 words "shall be" in line thirteen thereof (printed laws), and in-  
 serting in lieu thereof the following words "fined not exceeding  
 fifty dollars or imprisoned not more than thirty days for such  
 offence and such person shall also forfeit and pay to said corpora-  
 tion, to be sued for and recovered in civil action, double the  
 amount of the damages sustained by any such injury.

SEC. 5. That this act shall be in force from and after its rati-  
 fication.

In the General Assembly read three times, and ratified this the  
 4th day of March, A. D. 1901.

#### CHAPTER 224.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELLENBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act of the General Assembly of North Caro- Charter of Ellen-  
 lina, entitled "An act to incorporate the town of Ellenboro, in the boro amended.  
 county of Rutherford," and all the amendments to the same be and  
 they are hereby amended to read as follows: That the Mayor and  
 Board of Commissioners of the town of Ellenboro be continued as Amendment.  
 such until the next regular election, as provided in chapter sixty-two,  
 volume two of The Code of North Carolina, and they, together with  
 the inhabitants of said town, shall be and continue as they hereto-  
 fore have been, a body politic, corporate under the name and style  
 of the "Town of Ellenboro," and under such name and style are Corporate name.  
 hereby invested with all property and rights of property which now  
 belong to said corporation, and by such name may acquire and hold Corporate powers.  
 for any legitimate purposes 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 Mayor.  
 shall be vested in one principal officer, styled the "Mayor," and a  
 Board of Commissioners, to be elected as provided for in chapter Power and duties  
 sixty-two of volume two of The Code of North Carolina, and the said prescribed.  
 Mayor and board, with all subordinate officers, shall have all the  
 powers, privileges and emoluments, and shall be subject to all the  
 forfeitures, pains and penalties granted, provided for and imposed by  
 the provisions of said chapter, and to be subject to all the provisions  
 thereof not in conflict with the provisions of this act.

Special tax levy authorized.

SEC. 3. That in addition to the special taxes herein provided for, for the purpose of making new streets and improving and working the streets of said town, the Board of Commissioners shall have power annually to levy and collect in the manner herein prescribed an *ad valorem* tax not exceeding fifty cents on the hundred dollars worth of property, real and personal, and a like tax on all bonds, stocks and other investments, banks, railroads or other incorporated companies, or cash on hand or deposit, or solvent credits, etc., and a tax on all taxable polls not to exceed one dollar and fifty cents on the poll, and in levying such taxes the constitutional equation between property and poll tax must be observed.

Secretary to be tax-lister.

SEC. 4. That the secretary of the Board of Commissioners shall be a tax-lister and shall give ten days' notice at three public places in said town within the month of June in each and every year of the time and place for listing such taxes of said town, at which times and places all persons liable to pay taxes to said town shall to said tax-lister return on oath a true and perfect list of his or her taxable property as designated in the preceding section, with the true value thereof, and all taxable polls; and the said secretary shall by the first meeting of the board in July in each year make and return to said board an alphabetical list of the tax-payers of said town, together with a classified schedule of all the taxable property, polls, etc., of said town for revision, and after the said board shall have revised said list and affixed the amount of taxes due from each tax-payer, they shall cause the same to be copied in a book to be kept for the purpose, from which a copy shall be made and placed in the hands of the town Tax-collector for collection by the fifteenth day of August in each year, together with a warrant from the said board through the Mayor, returnable on a day certain, not later than the first day of February, in each and every year, and said tax-list and warrant shall have the force of a judgment and execution for the taxes therein mentioned: *Provided, however*, that said tax-list shall in no case be delivered to such Tax-collector for collection until he shall have filed with said board a justified bond in double the amount of taxes to be collected for the current year, with at least two sureties, and approved by said board.

Notice for tax-listing.

Persons liable for tax to return list. What to contain.

List of tax-payers and classified schedule returned for revision.

Copy of revised list and amount of taxes placed in hands of collector.

When collectible.

Force and effect of tax-list and warrant.

Proviso for tax-collector's bond.

Special privilege taxes on liquor dealers, etc.

SEC. 5. That in addition to the *ad valorem* tax on property and polls the said Board of Commissioners shall have power to levy and collect the following special taxes for the privilege of carrying on the business or doing the acts hereinafter named in said town, to-wit: (1) On all retailers of spirituous, vinous, malt or alcoholic liquors, not more than ten hundred dollars; (2) on all venders of such liquors of the measure of a quart or more, a tax of not more than four hundred dollars; (3) on every bowling alley, ten or nine-pin alley, billiard, pool and bagatelle table a tax not more than one hundred dollars; (4) on every hotel, boarding-house, restaurant or

public eating-house, a tax not exceeding fifty dollars, with power in Commissioners to classify, etc.; (5) on all banks or banking agencies, a tax not to exceed one hundred dollars; (6) on all drays used for hauling goods or merchandise of any kind, a tax not to exceed fifty dollars; (7) on all peddlers of medicines, goods, wares or merchandise of any kind, except literature, articles manufactured or produced in this State, a tax not to exceed ten dollars; (8) on all insurance companies or their agents doing business as such in said town, a tax not to exceed fifty dollars; (9) on all lecturers for reward, unless they are given wholly for religious or charitable purposes, a tax not to exceed ten dollars; (10) on all photographic artists or picture-takers of any kind and their agents, a tax not to exceed twenty-five dollars; (11) on every auctioneer, a tax not to exceed fifty dollars; (12) on every commission merchant, a tax not to exceed fifty dollars; (13) on every express office and telegraph office, or resident agent office doing business within said town, a tax not to exceed fifty dollars; (14) on every concert or entertainment for pay, except wholly given for religious or charitable purposes, a tax not to exceed twenty-five dollars; (15) on every exhibition of a circus or menagerie, a tax not to exceed one hundred dollars, and on each side exhibition accompanying such circus or menagerie which charges admission fees, a tax not to exceed twenty-five dollars; (16) on every gift enterprise or any person offering to present any purchaser with any gift or prize as an inducement to purchase, a tax not to exceed fifty dollars; (17) on all dealers in lightning-rods and patent pumps, a tax not to exceed twenty-five dollars; (18) on every practicing lawyer, physician, surgeon, dentist or dealer in patent medicines, a tax not to exceed twenty-five dollars; (19) on every livery stable, a tax not to exceed two hundred dollars, with power in Commissioners to classify, and for the purpose of this act a livery stable shall mean any and every place where horses, mules or vehicles are kept or let out for pay or used for hire or compensation within said town; (20) on all dogs kept or owned by residents of said town, a tax not to exceed five dollars. Said board shall have power to pass and enforce ordinances for the protection of said dogs.

SEC. 6. The Tax-collector may enforce the collection of taxes due said town by levying upon the personal property, if any be found, and if none be found, then upon the real property of the delinquent within said town, and after he shall have advertised the personal property ten days and the real property thirty days at three public places in said town or for the same time in some weekly newspaper published in said town, shall sell at or near the Seaboard Air Line depot, in said town, at public outcry, so much of said property as will pay the tax and cost, 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.

How collection of taxes may be enforced.

Redemption of real estate sold for taxes by delinquent.

Failure to redeem, deed to be made to purchaser.

When necessary to sell only part of real estate, said part to be designated.

Power of commissioners to open, change or discontinue streets.  
Procedure.

Property condemned not to be interfered with till assessed damages paid or tendered.  
Procedure in failure to accept damages.

If the delinquent tax-payer or his agent, within twelve months from the date of sale, shall redeem 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 a failure thus to redeem, the collector shall make a deed to the purchaser, and such deed shall be valid to pass all the rights and interest 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 or discontinue streets when promotive of the interest of the public. When the Board of Commissioners shall determine to open a new street or change any street already open, they shall select five disinterested freeholders of said town to lay out such new street or to change existing streets, who shall when notified at once proceed to locate the new and make such changes in the old streets as may have been determined by the said board and assess such damages as may be sustained by the owners of the property to be affected thereby, taking into consideration in estimating said damages the advantages, if any, that may accrue to the owner or owners of such property by reason of such opening or changing of such street. They shall make within five days of the notice of their selection as a jury a full written report of their action and their findings to the Board of Commissioners, who shall cause the same to be published in some newspaper having a general circulation in Rutherford county at least once for four successive weeks from the time of making said report. Any person interested may within fifteen 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 is required by law in such cases of appeal from justices' courts, and such appeal shall not stay nor impede the progress of such improvements: *Provided*, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered the party aggrieved or his agent. In case of his failure or refusal to accept the same the same shall be deposited with the Clerk of the Superior Court of Rutherford county to abide the results of the appeal then pending.



SEC. 8. When any house or building in said town from any cause shall become a public nuisance by its liability to fire or dangerous or unsafe from insecure foundation or any other cause or be the abode of immoral or illegal businesses or conduct or become offensive to the senses, the said board shall have power to prevent the erection of such buildings or to remove or destroy if necessary to the complete abatement of such nuisance. And for the violation of any ordinance of said town committed openly or secretly in such houses the occupant of such buildings shall be *prima facie* guilty of such violation and upon conviction shall be punished as the ordinance of said town may provide.

Power of commissioners to prevent erection of, condemn, remove or destroy buildings.

Violation of town ordinance in such building, occupant *prima facie* guilty.

SEC. 9. That the Board of Commissioners shall have power to cause alleys, lots, cellars, privies, stables and other places of like character to be kept clean and decent and shall have power to go upon the premises for that purpose.

Sanitary powers of commissioners.

SEC. 10. That the power of the Board of Commissioners to abate and remove nuisances shall extend one-half mile beyond the corporate limits of said town.

Limit of power of, to abate nuisances without corporate limits.

SEC. 11. That the Town Marshal or arresting officer shall have the right to make arrests in any part of the county of Rutherford under a warrant issued by the Mayor for the violation of the town laws.

When officer may arrest under mayor's warrant.

SEC. 12. That the Mayor shall have the power to depute any citizen to execute his warrants in the absence of an officer, and shall also have power to issue his warrant for the arrest and apprehension of offenders against town laws without complaint upon oath, when the offense for which a person is to be arrested is committed in the presence of the Mayor.

Power of mayor to depute citizen to execute or to issue warrants without complaint.

SEC. 13. That for the violation of any ordinance or by-law made by said Board of Commissioners they may prescribe penalties not to exceed a fine of fifty dollars and imprisonment for one month for each offense, the fine to be recovered by warrant before the Mayor, and when any person shall be convicted for a violation of any ordinance or by-law of said town the party convicted may, unless the penalty and costs be paid, be immediately committed to the calabos or jail for the space of thirty days, or until payment thereof be made, and the Commissioners have the power to work such parties as may be committed to prison upon the streets under such regulations as they may prescribe.

Limit of penalties.

Failure to pay fine, alternative.

May work prisoners on streets.

SEC. 14. When it shall be necessary for the preservation of the public peace, good order and common decency or the protection of life, liberty, person or property of individuals the Town Marshal shall have power and it shall be the duty of all such marshals to arrest the body of offending parties who have violated the law in the presence of such marshal or marshals without warrant, and take them as early as practicable before the Mayor, to be dealt with as the law directs, and for every resistance to such authority by offenders

When officers may arrest without warrant.

- Resisting officer, how punished. or others the party so resisting shall be punished as the ordinances of the town shall provide, and if necessary the Marshal shall have power to call to his aid any by-standers to assist in any legal arrest, and any one so summoned or called who refuses or fails to arrest shall upon conviction before the Mayor be punished as the ordinances of said town shall prescribe.
- Power to summon bystanders to aid in arrests.
- Punishment for failure or refusal.
- Storage of fertilizers. SEC. 15. That said Commissioners shall have power to control and direct the manner and place in which commercial fertilizers shall be stored, the manner in which hogs and dogs may be kept and to prevent the running at large on the streets of all domestic animals and fowls as they may regulate.
- Keeping hogs.
- Running at large of stock.
- Town attorney. SEC. 16. That the said board, when they deem it necessary, shall have the power to employ a legal counsellor or town attorney.
- Corporate limits. SEC. 17. That the corporate limits of said town shall extend one-half mile in every direction from the Carolina Central depot in said town.
- Conflicting laws repealed. SEC. 18. That all laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed: *Provided*, that at any time, upon the written application of twenty of the legal voters of said town shall be submitted the question of extension of said limit as applied for, at which election all the legal voters for members of the General Assembly within the proposed limits shall be allowed to vote "Extension" or "No Extension." Said election shall be held under the same rules and regulations as prescribed by law for the election of the Board of Town Commissioners, and if a majority of the votes cast be for "Extension" the said board shall declare the corporate limits as extended and make proclamation thereof at the depot, and from and after thirty days from said proclamation the limits of said town shall be extended accordingly.
- Election for extension of corporate limits.
- Form of ballots. SEC. 19. The Commissioners of said town, upon the petition of one-fifth of the registered voters of said town, shall have power to call an election and submit to the qualified voters thereof the question of borrowing any sum of money not to exceed fifty thousand dollars, and if a majority of the qualified voters shall vote "Subscription" the said Commissioners may borrow said sum of money and issue the bonds of the town, signed by the Mayor and countersigned by the Secretary under the seal of the town for the same.
- Declaration of extension.
- When in effect.
- Borrowing money and issuing bonds. SEC. 20. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 225.

## AN ACT TO AMEND THE CHARTER OF THE CITY OF HOT SPRINGS, IN THE COUNTY OF MADISON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act ratified the 3d day of March, A. D. 1893, entitled "An act to amend the charter of the city of Hot Springs, in the county of Madison," be amended as follows: Strike out the word "Constable or Constables" wherever it occurs in said act and insert in lieu thereof the words "City Marshal."

Charter of city of  
Hot Springs  
amended

SEC. 2. That said act be further amended so as to permit the Marshal of said city of Hot Springs, or any one deputed by him, to arrest any and all persons without warrant who shall be found in any public place in said city of Hot Springs drunk or in a state of intoxication, or who shall be violating any of the ordinances of said city: *Provided*, that said person or persons shall be carried immediately before the Mayor or other officer allowed to try and punish such offenders, under the laws and regulations now in force for the trial and punishment of persons who are arrested without warrant.

City marshal to  
arrest without  
warrant in certain  
cases.

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

Conflicting laws  
repealed

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1901.

## CHAPTER 226.

## AN ACT TO AUTHORIZE JAMES F. BATTLE, AN EX-CONFEDERATE SOLDIER, TO PEDDLE WITHOUT PAYING TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That James F. Battle, an ex-Confederate soldier, be and he is hereby authorized to carry on the business of a peddler in Burke county without paying the peddler's tax as required by law.

J. F. Battle, ex-  
Confederate  
soldier, allowed to  
peddle in Burke  
county without  
paying tax.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 227.

## AN ACT TO AMEND CHAPTER EIGHTY-ONE (81) OF PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-NINE (1899).

*The General Assembly of North Carolina do enact:*

Section 1, chapter 81, Private Laws 1899, amended.

SECTION 1. That section one (1) of chapter eighty-one (81) of the Private Laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the Pee Dee News Transit Company," and ratified the 22d day of February, A. D. 1899, be amended as follows: Strike out the words "Pee Dee News Transit Company," in line five (5) of said section and insert in lieu thereof the words "Wadesboro Telephone Company."

Name changed to Wadesboro Telephone Company.

Certain powers, rights, privileges and franchises granted said company.

SEC. 2. That the said Wadesboro Telephone Company shall succeed to and enjoy all the rights, powers, privileges and franchises heretofore granted the Pee Dee News Transit Company or acquired by it by gift, purchase or otherwise.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, 1901.

## CHAPTER 228.

## AN ACT TO ALLOW THE CITY OF SALISBURY TO ISSUE BONDS FOR GRADED SCHOOLS AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Question of bond issue to be submitted to qualified voters.

When election held.

Regulations for holding election.

How tickets to be printed or written.

If bond issue carry, duty of mayor and aldermen to issue bonds for \$10,000.

SECTION 1. That the Board of Aldermen of the city of Salisbury are hereby authorized and directed to submit to a vote of the qualified voters of said city, at an election to be held in said city at the next regular municipal election after the ratification of this act, the question of issuing bonds for the purposes hereinafter expressed. Such election shall be held and conducted under the rules and regulations as now provided for holding elections in said city, and the qualified voters of said town shall vote tickets on which shall be printed or written the words "For Graded School Bonds" or "Against Graded School Bonds."

SEC. 2. That if at said election a majority of the qualified voters of said city shall vote the ticket "For Graded School Bonds," then it shall be the duty of the Board of Aldermen and Mayor of said

city to issue the bonds of said city to an amount not exceeding ten thousand dollars (\$10,000); and the interest not exceeding five per cent. per annum, and one-fifteenth of the principal of said bonds shall be paid annually at such time and place as said board may specify.

SEC. 3. That with a part of the proceeds of the sale of the said bonds to be issued at not less than par value, the Board of Aldermen, Mayor and Graded School Committee of said city are authorized to erect an additional building or buildings in said city for public school purposes; they may also acquire additional real estate on which to erect a school building or buildings, if in their judgment the same is thought to be necessary; but no part of proceeds of said bonds shall be used for any other purpose than for the erection of a public school building or buildings and for buying additional real estate for school purposes.

Part of proceeds of bond sale to be used to erect new school building or buildings.

May also acquire additional real estate on which to erect school building. But no part of proceeds to be used for any other purpose.

SEC. 4. That for the purpose of paying said bonds the Board of Aldermen of said city are hereby authorized and required at the time of levying other town taxes to levy annually a special tax in amount to pay the interest upon said bonds and one-fifteenth of the principal thereof and the costs and charges incident to said tax.

Special tax levy authorized to pay said bonds and interest.

SEC. 5. Said tax shall be collected as other taxes for said city and paid over to the Treasurer thereof and shall be kept separate from other taxes.

How tax collected.

SEC. 6. That the Board of Aldermen of said city of Salisbury are hereby authorized and directed to submit to a vote of the qualified voters of said city at an election to be held from year to year, whenever it shall appear that the general taxes levied in the city of Salisbury for school purposes are insufficient to run said schools nine months in the year, a special tax of not less than ten nor more than thirty cents on the \$100 valuation of real and personal property, and not less than thirty nor more than ninety cents on each taxable poll for graded schools, but election or elections shall be held and conducted under the rules and regulations as now provided for holding elections in said city, and the qualified voters of said city shall vote tickets on which shall be printed or written the words "For Special Tax for Graded Schools" or "Against Special Tax for Graded Schools."

Question of special tax for school purposes to be annually submitted to voters.

Amount of tax levy.

How election held.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

CHAPTER 229.

AN ACT TO INCORPORATE THE ASHEVILLE AND WEAVERVILLE RAILWAY AND POWER COMPANY OF BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Don J. Barnes, John R. Ramsey, John R. Baird, J. B. Lotspeich, Edward F. Vandiver, W. E. Weaver, Charles E. Chambers and their associates, successors and assigns, be and are hereby incorporated into a company under the name and style of the "Asheville and Weaverville Railway and Power Company" for the term of ninety-nine (99) years, with the usual powers of succession and renewal.

Corporate name and existence.

Capital stock.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars (\$50,000), but the stockholders may from time to time, at any regular or called meeting, increase the capital stock to an amount not exceeding five hundred thousand dollars (\$500,000), and said capital stock shall be divided into shares of one hundred dollars (\$100) each.

Corporate powers and privileges.

SEC. 3. The said corporation, under its said corporate name and style, shall have the power to buy, hire, lease or mortgage, or any lawful means acquire from other corporations or persons, or sell, hire, lease, mortgage or in any other lawful manner dispose of real or personal property, or any interest therein; and may contract and be contracted with, sue and be sued, plead and be impleaded, have a common seal, which may be changed at the pleasure of the stockholders, and shall have all such other rights, privileges, powers and immunities as other corporations of like nature in the State may enjoy. And said corporation shall have the power to purchase and operate, or to build, equip and operate a railroad from the public square in the city of Asheville to the towns of Weaverville and Dula Springs, in the county of Buncombe, and to purchase, or build and equip and operate a railroad or railroads anywhere in the county of Buncombe or any part thereof, as well in the cities and towns of said county as in the other parts of said county, and to run cars upon the track of the same, by animal, steam, electric or other power in any of the streets or alleys of said cities and towns or in the public roads of the county of Buncombe or over any lands in said cities, towns or county, having first obtained permission from the proper authorities of the several cities and towns for such use of the streets and alleys belonging to said cities and towns, and of the Board of Commissioners of said county, or such other body as may from time to time succeed to the powers of said Board of Commissioners, over the public roads of said county, for such use

May build and operate railroads, etc.

May use public roads for tracks, etc.

of the public roads of said county; and having first obtained the permission of the owners of the land over which their line or lines of railroad may run, to construct such railroad over such lands, or in cases in which such permission is not obtained, after having condemned and obtained the right of way over such land, in the manner prescribed in chapter forty-nine (49) of The Code of North Carolina; but in such cases of condemnation the benefits as well as the damage to the land shall be considered, but in no case shall a verdict be rendered for such benefits alone in favor of the company. And the said corporation shall have power to acquire by purchase, lease, hire, mortgage or any other lawful means, from any other corporation or person, any railroad or part of a railroad, or any rights, privileges or franchises of any railroad company and any railroad equipments, and shall have power to dispose of by sale, hire, lease, mortgage or any other lawful means, to any other corporation or person, any railroad or part of railroad, or any railroad equipments, or any rights, privileges or franchises it may by any means have acquired; and to construct, lease, purchase and operate an electric light and power plant, and to construct and operate manufactories of wool and textile fabrics, and to exercise in regard thereto all the powers above granted; and to contract debts and issue bonds by mortgage or trust deed upon any or all of its railroads, equipments and franchises and other property; and shall have power to transfer passengers and freight over its line or lines, and to charge such tolls, fares and rates as the said company may deem proper, subject to such general laws as the General Assembly may from time to time enact for the restraint and government of such corporation as to the charges from the transfer of freight and passengers. And the said company shall have all the power of condemning right of way and all other powers and privileges given to railroad companies by chapter forty-nine of The Code of North Carolina, and the acts of the General Assembly amendatory thereof; and such powers, rights and privileges shall be asserted, used, exercised and regulated under the provisions of and in the manner prescribed by said chapter and acts amendatory thereof: *Provided*, that said company shall not be empowered under the provisions of this act to lay out, construct, operate or own any railroad or electric or tram-road of any kind whatsoever through the territory bounded on the west by the French Broad river, on the north by the Swannanoa river, on the east by the westerly line of the Hendersonville road, and on the south by a line running due east from the Long Shoal's bridge, nor to use steam power upon any railroad which may be constructed or operated under the provisions of this act, along or upon any highway, except to cross the same.

Right of eminent domain.

May purchase or lease other franchises.

May construct electric lights and power plants.

May make freight and passenger rates.

Chapter 49 of Code applicable.

Provide

SEC. 4. Don J. Barnes shall, within ten days after the ratification of this act, open books of subscription to the capital stock of said D. J. Barnes to open subscription books.

company, or in case of his death or refusal or failure to act within the time prescribed, such books of subscription shall be opened by such person as the Clerk of the Superior Court of Buncombe county may appoint for the purpose, within ten days after the date of such appointment; and said company may organize and enter upon the enjoyment of the rights and privileges hereby granted whenever five per cent. subscriptions have been made to the capital stock.

When to organize.

President and board of directors, how chosen.

SEC. 5. The business and affairs of said corporation shall be managed and controlled by a board of directors, elected by the stockholders, and a president to be chosen by the stockholders from the members of the board of directors, and such other officers, agents and employees as the stockholders or board of directors may authorize to act for the company. The stockholders shall have power at

May make by-laws.

any regular or called meeting to adopt, alter or amend by-laws for the government of the company, its agents and employees, not inconsistent with the laws of the State; and the time of regular meeting of the stockholders and the manner of calling a meeting shall be prescribed by the by-laws, but the first meeting of the stockholders may be called by any one of the subscribers to the capital stock at any time after five per cent. of the capital stock has been subscribed, upon three days' notice to all the said subscribers of the time and place of such meeting, or without notice by the consent of all the

Individual liability of stockholders.

subscribers. No stockholder shall be liable to the creditors of the company to an amount greater than the amount due and unpaid by the stock held by him.

Proviso.

SEC. 6. *Provided*, that if the company hereby incorporated shall not own or control within two years from the ratification of this act as much as five miles of railroad within the limits of Buncombe county, graded, ironed and ready for the cars, this act shall be void and all the rights and privileges herein granted shall be forfeited.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 230.

#### AN ACT TO INCORPORATE THE CLINTON AND DUNN TELEPHONE COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That L. J. Best, W. A. Stewart, J. R. McPhail, John E. Wilson, E. R. Wilson, Jonah McPhail, Arthur Vonn, J. H. Turlington, J. R. Hiatt, J. N. Peterson, F. R. Cooper, L. A. Bethune, J. A. Beaman, A. W. Aaron, R. B. Smith, Henry E. Faison and their associates are hereby created a body corporate and politic under the

Corporate name and duration.



name and style of the Clinton and Dunn Telephone Company, for the period of (30) years from and after the date of these presents.

SEC. 2. That said corporation shall have power to build and erect and equip a telephone line or system from the town of Clinton, in Sampson county, to the town of Dunn, in Harnett county, by way of Beaman's Cross-roads, along the Clinton and Avera'sboro road as a general direction, with power in the board of directors to locate and establish the same over any road in said direction. Corporate powers and duties.

SEC. 3. That the capital stock of said corporation shall be \$1000. Capital stock. with the privilege of increasing the same to \$10,000, in shares of ten dollars each, and when \$1000 worth of stock shall be subscribed and paid in said corporation shall proceed and prosecute the business of receiving and sending messages and prosecute the business hereinafter set forth.

SEC. 4. That the officers of said corporation shall be a president, secretary and treasurer, and a board composed of seven directors, and that the said board of directors shall have power to govern and control the business and affairs of said corporation, establish offices, appoint and employ agents and make all necessary rules, regulations and by-laws, not inconsistent with the laws of the State, for the proper conduct of its business. Corporate officers and duties

SEC. 5. That said corporation shall have a common seal, may sue and be sued in the courts of the State, and for the purpose of its business may hold and possess real and personal property; and further, may establish branch lines, co-operate at its terminal offices with any and all telephone lines or systems of telegraph companies doing business within the State. May have common seal  
May sue and be sued.  
Own and sell real and personal property

SEC. 6. That said corporation shall have power to purchase or lease other telephone lines or systems, or may lease or sell its property and franchise, and shall have power to open and conduct a telephone exchange at its terminal points. May purchase or lease other lines, etc.

SEC. 7. That the shares of stock of said corporation shall be assigned or transferred on the books of the company in the manner only provided by the by-laws, and the owners or holders of said shares or stock shall not be personally or individually liable or responsible for the acts, liabilities, contracts or defaults or torts of said corporation. Shares of stock may be assigned or transferred.  
Shareholder not individually liable.

SEC. 8. That the principal offices of said corporation shall be in the towns of Clinton and Dunn in their respective counties, and the said directors shall have power to establish any branch offices or lines and to farm out and lease phones to any and all persons upon such terms as may be prescribed by the by-laws, and in general to transact and carry on in all its branches the business usually done by telephone and telegraph companies in the transmission of messages, charging for such services just and reasonable charges or fees as may be agreed upon between the said corporation and its patrons, not inconsistent with law. Principal offices  
Powers of board of directors

SEC. 9. This act shall take effect from and after its ratification.  
In the General Assembly read three times, and ratified this the  
4th day of March, A. D. 1901.

CHAPTER 231.

AN ACT TO INCORPORATE THE OXFORD SEMINARY FOR  
GIRLS.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That F. P. Hobgood, B. S. Royster, F. W. Hancock,  
J. S. Hardaway, R. H. Marsh, J. A. Steadley and F. P. Hobgood, Jr.,  
and those who may hereafter be associated with them under this  
charter, their successors and associates be and they are hereby in-  
corporated and created a body politic under the name of "Oxford  
Seminary for Girls," which shall have succession for thirty years,  
and the right to sue and be sued, to contract and be contracted  
with, power to adopt a common seal and to change the same; and  
shall be capable of acquiring by purchase, gift, devise, bequest or  
otherwise, and of holding, leasing and conveying any and all such  
real and personal property as may be necessary for obtaining the  
objects or carrying into effect the purposes of this corporation.

Corporate name  
and corporate  
existence.

Corporate powers  
and privileges.

May make neces-  
sary rules and  
regulations for  
government.

SEC. 2. That the said corporation shall have power to pass all  
needful rules and regulations for its own government, not incon-  
sistent with the Constitution and laws of the United States and of  
this State.

May award certifi-  
cates and diplomas  
and confer degrees.

SEC. 3. That under this act of incorporation power shall be con-  
ferred upon the said Oxford Seminary for Girls, through its presi-  
dent, to award the certificates and diplomas and confer the degrees  
usually awarded and conferred by such institutions.

SEC. 4. That this act shall be in force from and after its ratifica-  
tion.

In the General Assembly read three times, and ratified this the  
4th day of March, A. D. 1901.

## CHAPTER 232.

AN ACT TO INCORPORATE THE YADKIN VALLEY NORMAL  
AND INDUSTRIAL ACADEMY FOR THE COLORED RACE,  
AT WILKESBORO, N. C.*The General Assembly of North Carolina do enact:*

- SECTION 1. That R. B. Watts, N. A. Barber, R. W. Barber, E. W. Hackett, John Hunt, W. W. James, P. H. Wilson, A. B. Clark, A. J. Howard, D. P. Sherrill, C. Parsons, Irvin Parks, A. Parks and their associates and successors be and they are hereby created a body politic and corporate under the name and style of the "Trustees of the Yadkin Valley Normal and Industrial Academy" for the colored race, and by that name to remain in perpetual succession for the purpose of maintaining a school of high grade at or near Wilkesboro, Wilkes county, and in that name may acquire, hold and convey property, real and personal, may sue and be sued, contract and be contracted with, plead and be impleaded, and in their corporate capacity may exercise such rights and acts as may be deemed needful for the purpose of instructing the colored youths, male and female, in the various common school, academic and collegiate branches, the best methods of teaching the same and the best mode of practical industry as applied to agriculture and mechanic arts; 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 the State of North Carolina.
- SEC. 2. That this corporation shall have power to issue to students who complete the prescribed course of study certificates or diplomas of proficiency.
- SEC. 3. That property to an amount not exceeding twenty thousand dollars, owned or to be owned by this corporation, and all such property to be used for school purposes; also that this corporation and its stockholders may hold, possess and receive all lands, tenements or personal property which it now owns or may hereafter acquire by purchase, gift or otherwise. The amount of real estate shall not exceed five hundred acres of land, to be cultivated and improved, and shall have power to erect all such buildings as are necessary thereon for educational purposes. That said incorporators or trustees shall have the power to dispose of any property as they may deem necessary for the best interest of the school.
- SEC. 4. 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 mortgage

Incorporators.

Corporate name

Corporate privileges

May have and use common seal and make by-laws, etc.

Provide

May issue certificates or diplomas.

May own property for school purposes.

May own real estate not to exceed 500 acres.

May dispose of property.

Make, create debts and secure same by mortgages

or mortgages, or deed or deeds in trust. 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 capital stock of the corporation, which may, if so desired, be divided into dividend-bearing and non-dividend-bearing shares: *Provided*, that each share shall be of the par value of five dollars.

SEC. 5. That said board of incorporators or trustees hereinbefore named and their successors in office shall have the power to choose all necessary officers, teachers, assistants or agents, and shall have general control of the finances of said corporation.

SEC. 6. That the first meeting of the incorporators, trustees or stockholders shall be held within the next six months after the ratification of this act, at such time and place in Wilkes county as R. B. Watts may designate, due notice of said meeting being given to each stockholder or incorporator, the purpose of said meeting being to elect officers for the incorporation and other purposes.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

CHAPTER 233.

AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO  
ISSUE A LAND GRANT TO J. M. KITCHENS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the filing by J. M. Kitchens with the Secretary of State an affidavit setting forth that he is the owner of warrants of survey made by N. W. Moore, late county surveyor for Cherokee county, now Clay county, to Wm. Moss, assignee of Thomas Arwood, on tract of land number six hundred, district two, now in Clay county, North Carolina, which warrant of survey was issued on the ninth day of December, eighteen hundred and fifty-one, and that he is entitled to a grant on such warrants of survey, and have said affidavit attached to said warrant of survey, paying the fees allowed by law for issuing a grant, then the Secretary of State is authorized and directed to issue to said J. M. Kitchens or his assignee a grant for the land described in said warrant of survey.

SEC. 2. That nothing in this act shall deprive any party who may prove a superior title or the right of a superior title from establish-

ing such title or right of title in any court of this State of competent jurisdiction. title from establishing same.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 234.

#### AN ACT TO INCORPORATE PAMLICO LODGE, NUMBER SEVENTY-THREE, K. OF P.

*The General Assembly of North Carolina do enact:*

SECTION 1. That B. G. Moss, Frank C. Kugler, John C. Rodman, Arthur Mayo, A. S. Wells, W. B. Rodman, S. C. Bragaw, N. C. Cordon, Harry H. Bryan, Jesse J. Whitley, Joseph G. Chauncey, E. M. Brown, Harry B. Mayo, A. M. Dumay, John W. Odell, C. H. Richardson, their associates, successors and assigns be and are hereby created a body politic and corporate under the name and style of "Pamlico Lodge, number seventy-three, K. of P., and under such name and style shall have authority to sue and be sued, plead and be impleaded, adopt a common seal, which they may alter or change at will; acquire by gift, purchase or otherwise any real or personal property, and sell, convey, dispose of or exchange the same in any way that they may see proper. Corporate name. Corporate powers and privileges.

SEC. 2. That the said corporation may issue bonds and secure the same by mortgage upon its property or in any other way. May issue bonds.

SEC. 3. That no member, corporator or officer of the said corporation shall be liable for the debts, obligations, contracts or liabilities of the said corporation. No member individually liable for corporate debts.

SEC. 4. That there shall be no capital stock of said corporation, but certificates of membership may be issued in such form and under such rules and regulations as the incorporators may determine, and the said certificate of membership may be forfeited upon such conditions as the incorporators may determine. No capital stock. Certificates of membership may be issued.

SEC. 5. That the said corporation may adopt such by-laws, rules and regulations for its government as may not be inconsistent with the Constitution and laws of the State of North Carolina or of the United States. May adopt by-laws.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

CHAPTER 235.

AN ACT TO INCORPORATE THE HOME MISSION COMMITTEE  
OF THE PRESBYTERY OF FRENCH BROAD.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Thomas Lawrence, of Buncombe county, North Carolina; G. Sumner Baskerville, of Buncombe county, North Carolina; J. H. Newman, of Buncombe county, North Carolina; Harry M. Daniel, of Madison county, North Carolina, and Calvin Duncan, of Knox county, State of Tennessee; S. J. McClenaghan, of Buncombe county, North Carolina, and their associates, successors and assigns be and they are hereby created a body politic and eorporate under the name and style of "The Home Mission Committee of the Presbytery of French Broad," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State and have a continued succession for ninety-nine years and have a common seal.

Corporate name.

Corporate rights and powers.

May acquire and hold real and personal property and convey the same.

SEC. 2. That such eorporation may acquire and hold real and personal property in any way recognized by the laws of the State of North Carolina, and may convey the same according to the laws of either in fee-simple or for a lesser estate for a term of years by mortgage or deed of trust or any other way recognized by the laws of North Carolina.

Power to elect officers and make by-laws.

SEC. 3. That said corporation shall have power to elect such officers as said incorporators and their successors shall determine to elect, with power to fix the term of such officers and their duties and to make all by-laws and regulations needful and necessary for the proper conduct of such corporation.

Purpose of corporation.

SEC. 4. That this corporation above-named shall exist for the purpose of promoting and fostering religion and edueation in North Carolina and elsewhere, and shall be exempt from the payment of the fifty dollars required to be paid by business corporations before a charter is granted by the General Assembly of this State.

Exempt from payment of charter fee.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 236.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF RINGWOOD, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Ringwood 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 Ringwood, and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be demised, bequeathed or conveyed to it not exceeding in value three hundred thousand dollars, and the same may from time to time dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate powers, rights and privileges.  
May acquire and hold real estate and sell and dispose of same.

SEC. 2. That the corporate limits of said town shall be as set out in the Acts of 1876 and 1877, chapter 50, to-wit: "Beginning at the northwest corner of J. H. Weller's and Benjamin Johnson's line; and thence along Johnson's line east the distance of one-half of a mile to a corner of Rev. A. S. Smith's land; thence from Smith's corner, running half mile to a straight line in a southerly direction to corner near Johnson's and Garrett's line, not far from the southeast corner; thence running west the distance of half a mile to about Johnson's old orchard; thence running north half mile from Jones' corner to beginning; and all ordinances now in force or hereafter enacted by the Board of Commissioners of said town shall be applicable to the territory within the limits of the town as established by this section.

Corporate limits defined.

SEC. 3. The officers of said town shall consist of a Mayor, a Con- stable, a Treasurer and four Commissioners.

Corporate officers.

SEC. 4. That until the next town election the following persons shall constitute the officers of said town, to-wit: C. A. Williams, as Mayor; H. C. Matthews, W. T. Williams, J. H. Whitehurst and M. E. Cousins, 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 of The Code of North Carolina, and shall have power to elect all necessary officers and agents, and to fix their compensation; shall have power also to pass and enforce all necessary by-laws and ordinances for the government of said town, and they shall have power to levy a tax on all objects of State taxation, and to impose fines for the violation of the town ordinances

Officers named to hold till next town election.  
Official rights, powers and privileges.  
Chapter 62 of Code applicable.

and collect the same for the use of the town; to require bonds from their officers and agents for the faithful performance of their duties.

Rights and powers of mayor.

SEC. 5. The Mayor of said town shall have all the rights, powers, privileges and jurisdictions conferred by this act and by chapter sixty-two of The Code of North Carolina.

Salaries of town officers to be fixed by town board.

SEC. 6. The salaries of all town officers shall be fixed by the Board of Town Commissioners.

Officers herein appointed to qualify in sixty days and hold office till successors are elected and qualified. Election first Monday in May, 1903.

SEC. 7. The officers appointed by this act shall qualify before some justice of the peace within sixty days after the ratification of this act, and said town officers shall continue in office until their successors shall be elected and qualified; and said elections to take place the first Monday in May, 1903, and on the first Monday in May, biennially thereafter, to be governed by the law regulating similar elections.

Conflicting laws repealed.

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.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

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#### CHAPTER 237.

### AND ACT TO AMEND THE CHARTER OF THE SALISBURY AND FAYETTEVILLE COAST LINE RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Chapter 344, Private Laws 1899, amended.

SECTION 1. That chapter 344 of the Private Laws of 1899, entitled "An act to incorporate Salisbury and Fayetteville Coast Line Railway Company" be and the same is hereby amended by striking out section two of said charter and inserting in lieu thereof the following:

Section 2 stricken out and a new section inserted. Proposed line of railroad.

"SECTION 2. That the said company be and it is hereby authorized and empowered to survey, locate, build, construct, equip, maintain and operate a railroad in this State, with one or more tracks, from the city of Salisbury to a point at or near the Yadkin river, and then as near as practicable down the said river to a point at or below Swift Island; thence via Fayetteville by a practicable route to Cedar Point in Carteret county, and from the said city of Salisbury northwest by the most practicable route to a point on the Tennessee or Virginia line, and through any of the counties along the proposed line of road, with the right to build branch lines not exceeding twenty-five miles in length for any one branch line to any point in the State, and for the purposes of constructing, maintaining and operating said lines of railroads said company is empowered to cause

Right to build branch lines.



such examinations and surveys to be made as shall be necessary to the selection of the most advantageous routes, and for such purpose is hereby empowered by its officers and agents, servants and employees to enter upon the lands and waters of any person for that purpose."

Authorized to enter upon lands for purpose of locating line.  
Section 3 stricken out.

SEC. 2. That section 3 of said chapter be stricken out and the following inserted in lieu thereof:

"SEC. 3. The capital stock of said company shall be seven million dollars (\$7,000,000), divided into one million and four hundred thousand shares of five dollars (\$5) each; but may be increased from time to time, as the demands of the company shall require, to an amount not exceeding fifteen million dollars (\$15,000,000)."

Capital stock.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

#### CHAPTER 238.

### AN ACT TO INCORPORATE THE FRENCH BROAD AND SOUTHERN RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. F. Hays, Ed. C. Wilson, T. S. Boswell and W. A. Gash, of Transylvania county, North Carolina, and E. B. Alsop and C. H. Stolzenbach, of the city of Pittsburgh, State of Pennsylvania, and such other persons as are now or may hereafter be associated with them are hereby created and declared to be a body corporate and politic, and to exist for the term of sixty years under the name and style of "The French Broad and Southern Railroad Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, shall have power to adopt a common seal and change the same at will, and shall be capable of taking by purchase, gift or in any other way real or personal property, and holding, leasing, conveying or of dealing with the same, and for the purpose of enabling the corporation to do all the things and acts necessary for its purpose it is hereby invested with all the rights, privileges, immunities and powers conferred upon railroad companies by chapter 49 of The Code of North Carolina, entitled "Railroads and Telegraph Companies," and may make ordinances, by-laws and regulations consistent with the laws of this State and the laws of the United States for the government of all under its authority, for the management of its estate and for the due and orderly conduct of its affairs.

Incorporators.  
Corporate name and existence.

Corporate rights, duties powers and privileges.

SEC. 2. The said company, upon its organization as hereinafter

Location of proposed line or lines of railroad.

provided, shall have power to survey, lay out, construct, equip, maintain and operate by steam, electricity or any other motive power a railroad with one or more tracks and telegraph and telephone lines from the town of Toxaway, in the county of Transylvania, to some point on the main line of the Southern Railway between Easley, in the county of Pickens, and Chunga river, in the county of Oconee, State of South Carolina, and from said Southern Railway to any point in the State of South Carolina that may be agreed upon by the board of directors of said company, and also have power to survey, lay out, construct, equip, maintain and operate by steam or any other motive power one or more lines of railroad from either of the above-named points, or from any point along its main line to any point within the State of North Carolina or South Carolina, or any other State, by complying with the laws of the States into which it may extend its line, and they shall have power to survey, lay out, construct, equip, maintain and operate a line or lines of railroad to be operated by steam, electricity or other motive power from any point along the line of the Transylvania Railroad Company between the town of Toxaway, in Transylvania county, and the town of Hendersonville, in Henderson county, to any point in the State of North Carolina or to any adjacent State by

Proviso.

complying with the laws of said State: *Provided*, that no line or branch line authorized by this act to be built and operated in North Carolina, except the main line from Toxaway, North Carolina, to the point of intersection with the Southern Railroad in South Carolina, shall be more than thirty-five miles in length. The said company

May connect tracks with other companies.

shall also have power to connect its tracks with any other railroad company now chartered or that may hereafter be chartered, and to lay down and use tracks through or into any town or city along its proposed lines by and with the consent of the corporate authorities of such city or town.

Capital stock.

SEC. 3. The capital stock of said company shall not be less than fifty thousand (\$50,000) dollars nor more than one million (\$1,000,000) dollars, to be divided into shares of \$100 each, and may from time to time increase between the minimum and maximum limits hereby provided as the stockholders thereof may determine. The holder of stock in said company shall in all meetings of the stockholders be entitled in either person or by proxy to one vote for each share of stock held by him, and the majority of the stock shall constitute a quorum at all meetings of the stockholders. As soon as the minimum amount above provided shall have been subscribed the said company may organize. Subscriptions to the stock may be

Stockholders entitled to one vote for each share of stock held.

Subscriptions to stock may be made in money, lands or other property.

made in money, land or other property, in bonds, stocks, credits, contracts, leases, options, mines, mineral, right of way and other rights and easements, labor or service, upon such terms as may be agreed upon or provided by the subscribers and the board of directors

of the said company, and there shall be no individual liability upon takers or holders of said stock beyond the unpaid subscriptions thereto. If any subscriber to the stock of this company shall neglect or refuse to pay any installment of his subscription when it becomes due as required by the board of directors, said board may declare his stock forfeited as well as the previous payments thereon to the use and benefit of said company, but before declaring it forfeited the said stockholder shall have served upon him a notice in writing in person or by deposition, said notice in the post-office with the postage paid, directed to him at the post-office near his usual place of abode, or to the post-office address as given opposite his name to the subscription paper, and state that he is required to make such payment within sixty days from the date of such notice, at which time and place as is named thereon, and at the expiration of the said period of sixty days, if the subscription is still in default, the board of directors may exercise the power of forfeiture above conferred.

Subscribers refusing to pay any instalment due on stock, board of directors may declare stock forfeited.

Stockholder to be notified before forfeiture declared.

SEC. 4. The incorporators mentioned in this act, or a majority of them, shall have power to open books of subscription in person or by agent or agents at such place or places, either within or without the State, as any such majority may fix, and with or without notice, as such majority may determine, and to keep the same open for such time and under such conditions, rules and regulations as they the said majority may deem necessary or expedient, and the said incorporators, or a majority of them, and as they the said majority deem proper, after ten days' notice served upon or mailed to the subscribers at such address as may be given opposite their names to such subscription paper, may call together the subscribers to the said shares of stock at any place within or without this State, and the said subscribers, or such of them as shall attend or send proxies, may then complete the organization of the said company by electing a board of directors to consist of such members as they may determine, which board shall not be less than three nor greater than nine, and such other officers as may be provided for, to be elected at the stockholders' meeting by the by-laws hereinafter provided for, and the said directors shall thereupon proceed to elect one of their number president and to elect such other officers as the by-laws of the said company may prescribe to be elected by the board of directors, and to appoint such agents as they may deem necessary or expedient, and may do and perform all other acts necessary and convenient to complete the organization of the said company and to carry into effect the objects of this act, and to enable them to perfect their organization they are hereby invested with and may enjoy all the rights, powers, liberties, privileges, immunities and franchises pertaining to corporations under the general laws of the State.

Incorporators empowered to open books of subscription.

Board of directors, how elected.

Board of directors to elect president and other officers, etc.

General law of State applicable.

SEC. 5. The annual meeting of the stockholders shall be held on such day or days as is or may be prescribed by the by-laws, or if none

Annual meeting.

Notice of annual and other meetings, how given	<p>be prescribed, then on such day as the stockholders may in a general meeting from time to time appoint, or in the absence of such appointment by the stockholders, on such day as the board of directors may designate and at such place within or without the State as shall be fixed from time to time by the board of directors. Notice of the annual meeting and of special meetings of the stockholders shall be published in some newspaper published in the county where the meeting is to be held once a week for two successive weeks: <i>Provided</i>, if there is no newspaper published in the said county it shall be published in a newspaper within the judicial district, and in addition to the above notice for a stockholders' meeting a notice in writing shall be sent to each stockholder by the secretary of the company in the way and manner provided for in the by-laws.</p>
Annual meetings of stockholders.	<p>SEC. 6. A general meeting of the stockholders may be held at any time upon the call of the board of directors, or of the stockholders holding together one-tenth of the capital stock, upon their giving a notice as provided for in section 5 of the time and place of such meeting for at least ten days before the said meeting. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at an annual meeting.</p>
Directors, how elected.	<p>SEC. 7. An election of directors shall be by ballot and shall be held at the annual meeting, unless otherwise determined from time</p>
Powers and duties.	<p>to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors are duly elected and assume their duties. The board may fill any vacancy that may occur in the directory during the time for which its members have been elected. The president of the company and such other elective officers as may be provided for by the by-laws shall be</p>
President and other officers elected annually.	<p>annually elected by the directors from among their board or from among their stockholders in such manner as the regulations of the company may prescribe, and shall hold their office until their successors shall be elected and assume their duties. There shall be a secretary and treasurer elected by the board of directors and may be one and the same person. In the absence at any meeting of the board of directors of the president and vice-president, or of the secretary, the board may appoint a president and secretary <i>pro tempore</i>. The board of directors shall have authority to adopt by-laws for the government of the corporators, subject, however, to amendment or repeal by the stockholders.</p>
May make by-laws.	<p>SEC. 8. The company shall issue certificates of stock to its members and the stock may be transferred in such manner and form as may be prescribed in the by-laws of the company.</p>
Stock certificates may be issued.	<p>SEC. 9. That the said company may have power to take by purchase, lease or otherwise the railroad, franchises and property of any other railroad now constructed or that may hereafter be constructed in this State or elsewhere. It may assign or lease its</p>
May acquire other property and franchises by lease, purchase or otherwise.	

property and franchises or any part thereof to any other railroad company incorporated by the laws of this or any other State, and the railroad company leasing or purchasing this road shall hold, own and enjoy the property and franchises so leased or purchased as though the same had been originally held or constructed by the railroad company so leasing or purchasing, and the railroad company so leasing and purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to the company incorporated by this act, and the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. The company shall have power to consolidate, merge or pool its capital stock with any other corporation chartered by the laws of this or any other State, and may lease or be leased, operate or be operated by such corporation by and with the consent of a majority of the stockholders of the respective corporations voting separately, and the consolidated corporation may become a new corporation under any name to be designated by the terms of the agreement, and a certified copy of the agreement shall be filed in the office of the Secretary of State, and shall be taken to be the agreement and act of consolidation of said corporation, and a copy of said agreement and act of incorporation, duly certified by the Secretary of State under his seal, shall be evidence of the existence of the new corporation, and the new corporation is hereby invested with and shall have and possess all the corporate powers, rights and privileges and be subject to all the duties and liabilities of the railroad incorporated by this act, together with all the property, powers, rights and privileges contained in the charter of the company or companies with which it becomes consolidated or merged, and such consolidated company may from time to time increase its capital stock to any amount that the stockholders of the consolidated company may by a majority vote determine. The company incorporated by this act may subscribe to or purchase the capital stock, bonds or credits of any other corporation now in existence or hereafter projected in this State or elsewhere, and any other such company may subscribe to or purchase the stock, bonds or credits of this company, and the company shall have power to represent its capital stock by it held in other companies through an agent or proxy appointed by the president of the company. This company shall have power to use any section or portion of its road or other lines before the whole of the same shall have been completed, and may charge toll for the transportation of passengers and freight on its road and for the transmission of messages or use of its telegraph and telephone lines on any such section of its road or lines.

May assign or lease its property or franchises.

May consolidate, merge or pool its capital with other corporations.

Consolidated corporation to become a new corporation.

New corporation to be vested with all rights and franchises conferred by this act

Power to use any section before whole road is completed

SEC. 10. The company shall have right and power when necessary

May cross public roads or streets if necessary.

May intersect other railroad lines.

Power to condemn lands, etc., for its necessary use.

Procedure in condemnation prescribed.

Clerk of court to appoint three freeholders as appraisers.

Appraisers to make report to clerk.

or convenient to construct their said road across any public road or street at such point as may be determined or along the side of any public road: *Provided*, that the company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company. It shall likewise have power to construct dams, culverts, trestles, bridges over and across streams, valleys or depressions, and to cross any navigable stream or canal on its road. It shall likewise have the right to cross at grade or over or under any other railroad constructed or that may hereafter be constructed at any point on its road and to intersect, join or unite its line of railway with any other such railroad upon the ground of such other company or companies at any point on its route, and to build turn-outs, sidings, switches and side-tracks and any other conveniences in furtherance of its object of construction, and may, in making any intersection or connection with any other railroad, have all the rights, powers and privileges conferred upon railroads by the laws of this State.

SEC. 11. Whenever, for any cause, this company is unable to agree with the owners of land over or near which it proposes to extend its road, for the purchase of such land for its depots, road-beds, quarries or other purposes of the company, the said company may file a petition before the Clerk of the Superior Court of the county in which the land lies, stating the object for which the land is desired, with a description and plot thereof. A copy of such petition with the notice of the time and place when and where the same shall be heard by the clerk must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the hearing of the same by the clerk in the manner provided for by law, and in the event that any of the persons interested in said cause are unknown or non-residents of this State, such notice may be served by advertisement in the same way and manner as provided in the general law for the service of notice on non-residents, and such advertisement shall state briefly the object of the application and give a description of the land to be taken. The Clerk of the Superior Court shall thereupon appoint three disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time to be fixed in the order of appointment, not more than ten days after the appointment, unless a later date be fixed by consent, to assess the damages. The appraisers shall take into consideration the actual value of the land, together with the damage to the residue of the tract beyond the peculiar benefit to be derived in re-assessment [which] shall be of the fee-simple value of the property proposed to be taken by the company. The appraisers shall make their report to the Clerk of the Superior Court within ten days from the time of their meeting on the premises. Said report shall be recorded in the office of Register of Deeds after being approved by the clerk and payment

of the damages assessed by the appraisers and proven by the clerk of the parties interested shall have the force and effect of an easement for such property to the company. Either party may appeal to the Superior Court, in term, from the approval or disapproval of the clerk: *Provided*, such appeal be prayed within ten days from the approval or disapproval of the clerk, and in such appeal may present such evidence as they may desire, and the trial shall be *de novo* in the court, but the burden of proof shall be upon the party objecting to the finding of the appraisers. If the said company shall pay to the parties or into court the sum appraised by the appraisers, then and in that event the said company may enter and take possession of and hold said lands notwithstanding the pendency of the appeal until final judgment is rendered on such appeal and the appellant or owner of the premises shall not be [entitled] to an injunction, restraining order or other process that would hinder, delay or obstruct the work. In the event that the true owner of the property taken as above-mentioned is not notified as above provided, then such owner may within two years, but not afterwards, petition the Superior Court of the county in which the land lies for an assessment of the value thereof, but no action of ejectment shall be brought by him nor the occupation or possession of the company in anywise disturbed, unless within the time to be fixed by the court it shall fail to pay such damages as may be assessed for the value thereof: *Provided*, *however*, that in case the true owner be at the time of such occupation under any legal disability, he may file a petition for an assessment of the damages within two years from the removal of such disability.

Either party may appeal.

Company may pay amount of assessment into court and enter upon lands condemned.

True owner not notified, may petition for an assessment within two years.

Proviso.

SEC. 12. The right of said company to condemn or take land under this act shall be limited to a space of fifty feet on each side of its road-bed, measuring from the middle line of the same, except in case of deep cuts or high embankments, when the said company shall have the right to condemn as much in addition thereto as may be necessary for the construction of its road, and except also that it for depots, warehouses, stations, station grounds, shops or yards, gravel-pits, quarries or other purposes necessary for the construction and operation of said road, it may condemn not exceeding ten acres in any one place.

Right of way specified.

May condemn not exceeding ten acres for certain purposes.

SEC. 13. That it shall be lawful for said company, through its agents, superintendents, engineers or other persons in its employ to enter at any time upon all lands and waters for the purpose of exploring, surveying and locating its line or lines upon the same and of making a plot or plots thereof.

Lawful to enter upon lands to make survey, etc.

SEC. 14. That any county, township, city or town along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of said company, either in money, bonds, securities or other property in the following manner upon the pre-

Any county, township, city or town along line of road may subscribe to capital stock.

sentation of a petition in writing signed by not less than twenty-five per centum of the voters of the county, township, city or town to the Board of Commissioners of such county or other proper authorities of such city or town, requesting them to submit to the qualified voters of the county, city, town or township where such petitioners may re-side, a proposition to subscribe a definite sum to be named in said petition, and whether in money, bond or otherwise to the capital stock of the company, the Board of Commissioners of said county or proper authorities of said city or town shall within thirty days order an election to be held in such county, township, city or town and submit to the qualified voters thereof the question of subscription to the capital stock of the said railroad company, the amount to be specified in the petition, at which election all those qualified to vote who are in favor of such subscription and who shall vote a Ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote a ballot on which there shall be written or printed the words "Against Subscription," and an election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as provided for the election of county, township, city or town officers by the general election laws of the State. Such election shall be held after thirty days' notice thereof specifying the amount of the proposed subscription shall have been posted at the court-house door of such county and at every polling place in such county where the said election shall take place, and the returns thereof shall be made to the Board of Commissioners of said county or to the proper authorities of said city or town. If a majority of the qualified voters shall vote for subscription, then the Board of Commissioners of said county or proper authorities of said city or town shall meet and make such subscription and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued. They shall be in denominations of not less than \$100 and not more than \$10,000, and each shall run for such number of years and bear such rate of interest not exceeding the rate prescribed by law as the petition and order of election shall indicate. They shall be signed, if issued by a county or township, by the chairman of the Board of County Commissioners and by the clerk of the said board, witnessed by the official seal thereof, and if issued by a city or town they shall be signed by the Mayor and one of the Aldermen of such city or town, witnessed by their official seal, if they have one, if not by the private seal of the Mayor and Alderman issuing.

Elections, how held on question of subscription to capital stock.

Thirty days' notice of election to be given and published.

Bonds, what denomination.

How issued and signed.

Taxes to be levied annually to pay bonds and interest.

SEC. 15. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in a city or town voting for subscription,



who are legally empowered to levy taxes, shall, in order to provide for the payment of the bonds and interest thereon, to be issued under the preceding section, compute and levy each year at the time of levying their other taxes a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity: *Provided*, in levying the said tax they shall preserve the equation between property and polls prescribed by the Constitution of the State. That the taxes levied as above provided shall be annually collected as other taxes, and shall be paid by the collecting officers of such county, township, city or town to the Treasurer thereof, and the taxes levied and collected for this purpose shall be kept distinct from all other taxes and shall be used for the purpose for which they are levied and collected and for no other. The sinking fund shall be invested as may be directed by the Board of Commissioners of the county issuing said bonds, in which there is a township issuing said bonds, or the proper authorities of the city or town issuing said bonds: *Provided*, that whenever practicable the sinking fund shall be invested in the purchase of the identical bonds issued under this act at a price not exceeding the par value thereof. In the event that the property, rights, franchises or any part thereof of this company are hereinafter acquired under the provisions of this act by any other company the Board of Commissioners of any county making such subscription, or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

Sinking fund,  
how provided.

Such taxes to be  
kept separate and  
distinct and  
separate when  
collected.  
County commis-  
sioners may invest  
sinking fund.

Property trans-  
ferred to other  
company.  
How county or  
other subscriptions  
to be transferred.

SEC. 16. For the purpose of this act all townships and counties along or near the line of the constructed or proposed road of this company which may vote to subscribe to the capital stock of this company as provided by this act shall be and are hereby declared to be respectively bodies politic and corporate and vested with full power to subscribe as provided for in this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be entitled to all the liberties in respect to any of the rights or causes of action growing out of the provisions of this act. The County Commissioners of the respective counties in which any such township is located are hereby declared to be corporate agents of the said township so incorporated and situated within the limits of said counties respectively, for the purpose of issuing the bonds of the said township or townships and providing for the levying and collecting of taxes on property and polls to pay the principal and interest of said

Counties and town-  
ships invested with  
full powers as  
bodies corporate  
for the purposes of  
this act.

County commis-  
sioners corporate  
agents for town-  
ships.

bonds and to provide a sinking fund as herein above mentioned, and the said Board of County Commissioners of any county subscribing to the capital stock of this company or in which any township is situated subscribing to the capital stock thereof, shall have the right and authority to represent and vote the stock of the said county or township in any stockholders' meeting, or they may appoint an agent or proxy therefor.

company may  
issue coupon or  
registered bonds.

may execute trust  
deeds, etc.

may sell bonds, etc.

may apply for  
convicts and work  
me.

stockholders not  
personally liable  
for debts of  
company.

SEC. 17. It shall be lawful for this company to issue coupon or registered bonds in such denominations and running for such time and bearing such rate of interest and payable at such time and place as the board of directors may direct, and to secure the payment of the same [said] company is authorized to execute one or more mortgages or deeds of trust to such persons or corporation as it may select on all or any part of its real or personal property, franchises, and privileges, or in case the road be divided and built in sections, such mortgages or deeds of trust may be placed upon such separate sections, or on all and any part of its franchises and in such manner as the company may direct, and it is hereby further provided that the registration of any mortgage or deed of trust provided to be executed in this section may be made in each county where the property lies, and upon the registration thereof it shall be a lien upon the property and franchises conveyed in such mortgage or deed of trust. This company may, by the action of the stockholders or through its board of directors, sell, hypothecate or otherwise dispose of the bonds authorized by this section to be issued, or any part of its stock, bonds or mortgages.

SEC. 18. The Board of Directors of the Penitentiary of this State or any other State into which this company may extend its lines may, upon application of the president of this company, approved by the Governor of the State, turn over to said company convicts, not otherwise appropriated or needed in the discretion of the State Board, not more than one hundred in number, to be worked on the construction of said road upon such terms as may be agreed upon, the said convicts to be guarded and superintended by authorities of the Penitentiary and to be hired to said company as is now or may hereafter be provided by law.

SEC. 19. The stockholders of this company or private individuals or corporations, public, private or municipal, shall not be personally liable for the debts of the company.

SEC. 20. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1901.

## CHAPTER 239.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE SALISBURY AND FAYETTEVILLE COAST LINE RAILWAY COMPANY," RATIFIED THE 4TH DAY OF MARCH, A. D. 1901.

WHEREAS, on the 4th day of March, A. D. 1901, there was ratified Preamble.  
in the General Assembly of North Carolina an act entitled "An act to amend the charter of the Salisbury and Fayetteville Coast Line Railway Company"; AND WHEREAS, in the copy of said act so ratified the month and year of its ratification was by inadvertence and mistake left off of the ratification clause of said act, and it reads 4th day of . . . . ., when it should read 4th day of March, A. D. 1901; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Secretary of State be and he is hereby authorized and directed to insert or add to the act entitled "An act to amend the charter of the Salisbury and Fayetteville Coast Line Railway Company," ratified March 4th, 1901, words and figures and letters so as to make same read: 4th day of March, A. D. 1901, and that such words, figures and letters be added and inserted in any copy or manuscript of said act in his office. Secretary of State directed to insert date of ratification.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 240.

AN ACT TO AMEND CHAPTER 19, PRIVATE LAWS 1883, RELATING TO THE HORNER SCHOOL OF OXFORD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter nineteen of the Laws of 1883, be and the same is hereby repealed, and the following substituted in its stead: That Jerome C. Horner, Junius M. Horner, Sophronia M. Horner, Mary E. Horner and Nina Horner, their associates and successors be and they are hereby incorporated under the name and style of The Horner Military School of Oxford, and in that name may sue and be sued, plead and be impleaded, contract Section 1, chapter 19, Private Laws 1883, repealed.  
New section substituted.  
Incorporators.  
Horner Military School.

and be contracted with, acquire and hold property, both real and personal, in their corporate capacity, such as may be necessary for the maintenance and operation of a school of high grade.

Officers.

SEC. 2. That said incorporators shall meet and elect a president and secretary and such other officers as may be necessary to the management of said school.

Stockholders not individually liable.

SEC. 3. That no stockholder in said corporation shall be liable for the debts or torts of said corporation.

Place of business, Oxford, N. C.

SEC. 4. That the principal place of business of said corporation shall be at Oxford, North Carolina, and the duration of said corporation shall be thirty years, and its purpose to promote education of a high grade.

Corporate existence thirty years.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 241.

#### AN ACT TO AMEND CHAPTER 105, LAWS OF 1846, AND CHAPTER 167, LAWS OF 1883, RELATING TO CALDWELL AND WATAUGA TURNPIKE ROAD.

*The General Assembly of North Carolina do enact:*

Section 5, chapter 105, acts 1846-47, repealed. New section enacted.

SECTION 1. That section 5 of chapter 105 of the Acts of 1846 and 1847 be and the same is hereby repealed and the following enacted in lieu thereof: That each stockholder shall be entitled to one vote for every share of stock he holds in said turnpike company.

Section 4, chapter 167, Laws of 1883, amended.

SEC. 2. That section 4, chapter 167 of the Laws of 1883 be amended by striking out all of said section after the word "one" in line one and insert in lieu thereof the following: "or more toll gates: *Provided*, that no person shall be required to pay for passing through any or all of said gates more than one fare as now provided by law."

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 242.

## AN ACT TO INCORPORATE GILLAM AND LYON, BANKERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Thomas Gillam, William L. Lyon, R. C. Bazemore, G. L. Mardre and Frances D. Winston and their associates, successors and assigns are hereby constituted a body corporate by the name of "Gillam and Lyon, Bankers," by which name said corporation shall have all franchises, rights and privileges incident to a corporation.

Incorporators and corporate name.

SEC. 2. The corporators above named, or any three of them, may open books of subscription and after one hundred shares of one hundred dollars each shall have been subscribed, upon ten days' notice issued by said corporators, or any three of them, the subscribers may meet and organize by the election of a board of five or more directors, who shall manage the affairs of the company for one year or until their successors are elected, and who shall elect all necessary officers and agents. The company shall have power and authority to transact business whenever one hundred shares of one hundred dollars each have been subscribed to the capital stock and ten per centum paid thereon. Further assessments shall be paid in as called for by the directors. The capital stock may be increased from time to time to an amount not to exceed one million dollars, either by additional subscriptions of stock or by application of the surplus earnings of the corporation, and not more than five hundred thousand dollars of the same to be invested in real estate; and if such increase shall be from the earnings of the corporation the directors shall have power to declare stock dividends to the shareholders *pro rata*. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy.

Books of subscription to be opened and subscribers may organize and elect directors.

Company may transact business when one hundred shares of stock subscribed and ten per cent. paid thereon. Further assessments to be paid as called for. Capital stock may be increased.

Directors may declare dividends, when.

SEC. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal, to sue and be sued, complain and defend in any court as fully as natural persons; to buy, hold, possess and convey real and personal property; to make by-laws for the regulation and management of the business of the concern, to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

Corporate powers defined.

SEC. 4. That said corporation shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit or open account or on certificate of deposit and pay interest thereon or not. It may receive on deposit for safe-keeping gold, silver, paper money, bullion,

Power to borrow money, etc.

May receive deposits, etc.

precious metals, plate, jewels, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind and charge commission or compensation therefor, and for such compensation as may be agreed upon may guarantee titles to real estate or other property. It may subscribe to the capital stock of other joint stock companies and hold and vote the same.

May loan money, make discounts, buy and sell real estate.

SEC. 5. The said company may loan money on mortgage or deed of trust, conveying real or personal property or on other security; may buy and sell real estate, stocks, bonds and other security; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said corporation fails to meet his obligations it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest and reasonable costs, charges and expenses, and in case of sale of either real or personal security make title to the purchaser.

May foreclose mortgages and make title to purchaser.

May act as fiscal or transfer agents.

SEC. 6. That said company may act as the fiscal or transfer agent of or trustee for any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money and negotiate, sell and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

May act as executors, administrators, guardians, trustee, etc.

SEC. 7. That said corporation shall have power to act as executors, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed upon. In lieu of the bond required by law, to be given by an administrator, guardian, trustee or other fiduciary, it shall be lawful, and before assuming any such trust under order of any court, the said corporation shall file in the office of the Clerk of the Superior Court of Bertie county an undertaking with sufficient security, with either personal sureties or bonds of the State of North Carolina or of United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court and to be approved by the said clerk, and the said undertaking so secured may be accepted by the said clerk and held as such security in the sum of ten thousand dollars, conditioned for the faithful performance of any trust which may be committed to the said corporation by order of any court of North Carolina as aforesaid. In case of default in the performance of any trust so committed to said corporation as afore-

May file certain securities with clerk of Superior Court of Bertie county in lieu of bond when acting in fiduciary capacity.

In case of default, how and when said suit may be brought.

said the said undertaking may be sued upon by the party injured or his personal representative in the Superior Court of any county of North Carolina where such default may have been made. A copy of such undertaking, duly certified by the seal of the Superior Court of Bertie county, and if secured by the bonds of the State or of the United States or of any county or city or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina, and the Superior Court wherein the said corporation shall have been appointed guardian, executor, administrator, receiver, trustee or depository shall have the power to make orders respecting such trusts, and to require the said corporation to render all accounts which said court might lawfully make or require if such trustee were natural person. And in accepting any of the trusts or powers hereunder the said corporation may qualify by one of its executive officers.

SEC. 8. That said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State, or in the bonds duly authorized to be issued in any county or city, or other good securities or in safe real and personal securities; but all such investments shall be at the sole risk of the corporation, and for any losses by reason of such investment the capital stock, property and effects of said corporation shall be absolutely liable. The corporation 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. 9. That said company may conduct warehouses and depots for the storage of personal property, and the certificates or receipts issued therefor shall be negotiable by delivery, entitling the holder to the property mentioned in said certificates or receipts without regard to the [depreciation] of the property, and the corporation shall exercise ordinary care in the custody and protection of the property that may be stored with it.

SEC. 10. That no stockholder in the corporation shall be liable for any default or debt of the corporation for a greater amount than the par value of the stock held by him therein.

SEC. 11. The office shall be in Windsor, Bertie county, North Carolina.

SEC. 12. The said corporation may guarantee or become surety upon any official bond or undertaking required 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 money 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 corporation shall be consistent with and subject to the laws of the State.

Especially authorized to do a general banking business.

SEC. 13. That this corporation is specially authorized to do a general banking business and to adopt all regulations necessary to that end, being subject at all times to such inspection and regulation as now exist or may hereafter be made by law.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 243.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF MOUNT OLIVE, N. C.

*The General Assembly of North Carolina do enact:*

Boundaries of Mount Olive graded school district defined.

SECTION 1. That all the territory embraced within the following bounds shall be and is hereby constituted the Mount Olive Graded School District: Commencing at the centre of the Mount Olive and White Hall road, at the Duplin county line, and running with said Duplin and Wayne line westward to the old sawdust pile at the forks of the road at Everett Lane's corner; thence with said Lane's line to Alex. Ssassers' corner; thence with said Ssassers' line northeastward to the Mount Olive and Thunder swamp road; thence with said road to the northwestern line of A. S. King; thence with said King's line to the run of Thunder swamp; thence down said swamp to Mary Harrell's corner; thence with Mary Harrell's and E. J. Martin's line to the Fayetteville road; thence with said road eastward to the Mount Olive and Goldsboro roads; thence a direct line to the corner of D. E. Newell and R. Kornegay; thence with said Newell and Kornegay's line to the run of Still branch; thence down said branch to the Duplin county line; thence with the said Duplin county line to the beginning.

Board of commissioners of Wayne county to submit question of annual tax levy for support of graded schools of said district at the town election of Mount Olive in May, 1901, and at any other times of regular election for mayor, etc.

SEC. 2. That the Board of Commissioners of Wayne county are hereby authorized to submit to the qualified voters of said graded school district at the time of the next election to be held in May for the election of Mayor and other officers of the town of Mount Olive, and at any other time of any regular election to be held for the election of Mayor and other town officers of Mount Olive, at an election to be held in the town of Mount Olive, the question: "Whether an annual tax shall be levied for the support of the graded schools of said district."



SEC. 3. That at the election, and all elections held under the provisions of this act, those favoring the levying of such tax shall vote a written or printed ballot without device with the words "For Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot without device with the words "Against Schools" upon it. The penalty for illegal or fraudulent voting shall be the same as in the election for members of the General Assembly. The Board of County Commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the said graded school district.

Manner of voting prescribed.

Penalty for illegal or fraudulent voting.

Notice of election to be published thirty days in newspaper.

SEC. 4. That if the inspectors of said election or any one of said elections shall certify that a majority of the qualified voters have voted in favor of said tax, the same shall be levied by the Board of County Commissioners and collected by the sheriff or Tax-collector under the same rules and regulations under which other school taxes are levied and collected, and the sheriff or Tax-collector shall be subject to the same liabilities for the collection and disbursement of said taxes as he is or may be for other school taxes, and he shall receive as compensation for such services two per centum commission: *Provided*, that special taxes so levied and collected shall not exceed forty cents on the one hundred dollars valuation of property and one dollar and twenty cents on each poll. The sheriff or Tax-collector shall pay the amount of money so collected under this act to a treasurer elected by the board of trustees of said graded school district, as hereinafter provided for.

If majority vote for tax, same to be levied by county commissioners and collected under same rules and regulations as other school taxes.

Compensation of tax-collector.

Proviso.

Sheriff or tax-collector to pay money collected to treasurer elected by board of trustees.

SEC. 5. That the special taxes levied and collected under this act shall be expended in keeping up separate graded schools for the white and colored children in said district between the ages of six and twenty-one years.

Taxes to be expended in maintaining separate graded schools for the two races.

SEC. 6. That the following persons shall constitute the board of trustees of said graded schools and shall hold office for the terms following their names: Robert Kornegay and W. L. Martin, two years from the date of their election; John R. Smith and James A. Westbrook, four years from the date of their election; Dr. W. McT. Tatum and James R. Hatch, six years from the date of their election; and all vacancies occurring in said board of trustees from any cause shall be filled by said board of trustees for the term of six years, except in case of death or resignation, and in the event of either of these cases for the unexpired term of trustee so dying or resigning; said board of trustees shall have power to employ and fix the compensation of a superintendent for both or either of said graded schools, and such teachers as are necessary, and to do all such other acts as are necessary to carry on said schools. But the chairman of said board of trustees shall have no voice or vote in any election by said board of trustees except in case of a tie.

Trustees appointed. Terms of officers named.

Vacancies to be filled by board.

Board to employ and fix compensation of superintendent.

Chairman to have no vote except in case of tie.

SEC. 7. That said board of trustees shall elect a treasurer, who

Board to elect treasurer to hold office for two years.  
Treasurer to give bond in sum of \$3,000.

Money to be disbursed by treasurer under direction of board.

Vouchers.

All moneys apportioned under general school law, or any other funds of said district, to be paid to treasurer and applied to keeping up said schools.

School term to be fixed by board.

All property of the schools of said district to be vested in said board and their successors in trust for said schools.  
Proviso.

Board of trustees to publish annual itemized statement of receipts and expenditures.

Conflicting laws repealed.

forty cents on the one hundred dollars valuation of property and shall hold his office for two years, and he shall give a good and sufficient bond in the sum of three thousand dollars, to be approved and accepted by the said board of trustees, and the same shall be filed and recorded as other official bonds.

SEC. 8. That the moneys received as aforesaid shall be held by the treasurer to be disposed of under the direction of said board of trustees, whose warrants, signed by the chairman and countersigned by the secretary of said board of trustees, shall be the only valid voucher in the hands of the said treasurer for the disbursement of the said money in any settlement required of him by law.

SEC. 9. That the public school money which may from time to time be collected and apportioned under the general school law for general school purposes for the children in said district, and moneys to which said school district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be paid to the treasurer elected by the board of trustees of said school district, and shall be applied to keeping up said graded schools under order and direction of the board of trustees of said graded schools.

SEC. 10. That the beginning and ending of the said school year shall be fixed by the said board of trustees.

SEC. 11. That the property, both real and personal, of the public schools of said school district shall become the property of said graded schools, and shall be vested in said board of trustees and their successors in trust for said graded schools: *Provided*, that in the case of the discontinuance of said graded schools all of the property thereto belonging shall revert to and become the property of the said public schools of said district.

SEC. 12. That the board of trustees shall publish in a newspaper published in the graded school district an annual itemized statement of the receipts and expenditures of said board of trustees on account and for the said graded schools.

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

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 244.

AN ACT TO AMEND CHAPTER THIRTY-NINE (39) OF LAWS  
OF 1813.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter thirty-nine (39) of the Laws of 1813 be and the same are hereby amended by adding to the end of said section "and may borrow money and issue bonds for the purpose of building or otherwise improving the same, or should they deem best, lease said property for the purposes set forth in said chapter."

Section 1, chapter 39, Laws of 1813, amended.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 245.

## AN ACT TO INCORPORATE THE TOWN OF LANDIS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Landis, in the county of Rowan, is hereby incorporated by the name of "Landis," and shall be entitled to all privileges and subject to all the provisions of law now existing in reference to incorporated towns according to chapter 62 of The Code of North Carolina and not inconsistent with this act.

Landis, Rowan county, incorporated.

SEC. 2. That the corporate limits of Landis shall be as follows: Beginning at the centre of Ryder avenue, as shown on map of said town made by C. M. Miller, September the 28th, 1900, one-half mile west of the centre of the Southern Railroad track: thence with the bearings of said road southward one-half mile; thence eastward parallel with Ryder avenue one mile; thence northward with the bearings of said railroad one mile; thence westward parallel with Ryder avenue one mile; thence southward with the bearings of said railroad one-half mile to the beginning.

Corporate limits defined.

SEC. 3. That the following persons shall be the officers of Landis until their successors are duly elected and qualified: C. A. Sims, Mayor; C. J. Deal, T. C. Taylor, J. G. B. Gill, J. S. Caruher and Will J. S. Correll, Commissioners; John H. Blackwelder, Constable.

Town officers appointed.

SEC. 4. It shall be unlawful for any person to sell or give away, directly or indirectly, within the corporate limits of Landis, North Carolina, any intoxicating drink, brandy, whiskey, wine, ale, beer,

Unlawful to sell or give away intoxicating liquors in corporate limits except upon pre-

scription of regularly licensed physician.

Prescription, what to set forth.

Proviso.

Persons violating this section guilty of a misdemeanor.

Penalty.

Misdemeanor to be publicly drunk in corporate limits.

Misdemeanor to use profane, obscene or indecent language.

Misdemeanor to fire gun, pistol or other explosive unless by permission from board of commissioners.

Misdemeanor to injure, deface or destroy public or private property or to loiter around or drop anything in wells, aqueducts, etc.

Penalty for violation of this act.

Town commissioners may open streets, etc., and condemn lands for such purposes.

cider, fermented or unfermented or any other liquid that will intoxicate, except upon the written prescription of a physician licensed by the North Carolina Medical Board, which prescription must set forth over the physician's professional signature that the applicant is sick and needs the liquid as a medicine, and must be countersigned by the Mayor or some member of the Board of Commissioners of Landis: *Provided, however,* this shall not apply to the liquids sold under the name of "vinegars" used for culinary purposes, but if it be known that such liquid is being used as a beverage, then the Mayor and Board of Commissioners shall have power and it shall be their duty to enter the premises of the vender or distributor and seize the contents. Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offense be fined ten dollars or imprisoned not exceeding thirty days.

SEC. 5. That it shall be a misdemeanor for any one to exhibit himself or herself drunk in the corporate limits of Landis so as to be a nuisance.

SEC. 6. That it shall be a misdemeanor for any one to use profane, obscene or indecent language in a boisterous manner so as to be heard by people in public places or on their own premises.

SEC. 7. That it shall be a misdemeanor for any person to fire a gun, pistol, fire-cracker, roman-candle or any other explosive within the corporate limits of Landis unless by permission from the Board of Commissioners, and said board shall not have power to suspend this section more than twenty-four consecutive hours.

SEC. 8. That it shall be a misdemeanor to willfully deface, overturn or otherwise injure any public or private property within the corporate limits of Landis; also to loiter around or put anything into any private or public well, pond, aqueduct or reservoir within said corporation.

SEC. 9. That any person who shall willfully violate sections 5, 6, 7 or 8 of this act shall upon conviction thereof be fined three dollars or imprisoned not exceeding thirty days.

SEC. 10. Authority is hereby conferred upon the Board of Commissioners of the town of Landis to open avenues, streets and alleys in any direction and to condemn lands under the same rules and regulations as generally granted to towns and cities in this State.

SEC. 11. That this act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 246.

## AN ACT TO REPEAL CHAPTER 34 OF PRIVATE LAWS OF 1893, INCORPORATING THE TOWN OF INANDA, IN BUNCOMBE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter 34 of Private Laws of 1893, incorporating the town of Inanda, in Buncombe county, North Carolina, be and the same is hereby repealed. Chapter 34, Private Laws 1893, charter of town of Inanda repealed

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 247.

## AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO ISSUE BONDS FOR PUBLIC IMPROVEMENTS AND TO LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paving, macadamizing and otherwise improving such of the public streets of the city of Raleigh as the Board of Aldermen of said city may determine to improve, and for making such other public improvements as the said Board of Aldermen may determine to make, the city of Raleigh is hereby authorized and empowered to issue its bonds to an amount not exceeding one hundred thousand dollars, of such denominations and in such proportion as the Board of Aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly, at such times and at such place or places as may be deemed advisable by said Board of Aldermen, said bonds to be of such form and term and transferable in such way and the principal thereof payable or redeemable at such time or times not exceeding thirty years from the date thereof and at such place or places as the Board of Aldermen may determine. Bond issue of \$100,000 for street improvements authorized

SEC. 2. That the Board of Aldermen shall set apart for the special purpose of paving, macadamizing and otherwise improving the streets of the city of Raleigh the whole of the proceeds arising from the sale of the bonds authorized by this act: *Provided*, that not more than fifty thousand dollars, together with premiums thereon, may be expended or issued in any one year from date of issue. Bonds to run not to exceed thirty years  
Interest payable annually.  
Entire proceeds of bonds issued to be used for street improvements.  
Proviso.

Bonds not to be disposed of for less than face value, nor used for other purposes than those declared in sections one and two.

Officers violating this act guilty of misdemeanor  
Penalty.

✓

Bonds and coupons not subject to city taxation till after maturity and tender of payment by city.  
Coupons receivable for city taxes and dues.

✓

Holders not presenting coupons for payment at maturity not entitled to interest.

Board of aldermen to levy special tax to provide sinking fund for payment of bonds and interest.

Amount of levy.

Taxes to be collected and accounted for as other taxes are.

Surplus of tax levy over interest demands to be invested so as to meet payments of principal at maturity.

Duties of commissioner of sinking fund in regard to surplus.

SEC. 3. That none of the bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise, for a less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than those declared in said sections one and two, respectively: and any officer of the said city of Raleigh violating, aiding or abetting any person in the violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars (\$500) and imprisonment not less than six months, and shall moreover be liable to the said city in a sum double the amount lost to the city by such violation.

SEC. 4. That the bonds authorized to be issued by this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and coupons shall be receivable in payment of city taxes, or other city dues, for any fiscal year in which such coupons become due or thereafter, and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

SEC. 5. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity of the bonds issued under authority of this act, the Board of Aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the said Board of Aldermen now are or may hereafter be authorized to lay and levy taxes for any purpose whatsoever, said particular tax to be not less than six nor more than eight cents on the one hundred dollars (\$100) assessed valuation on property, and not less than eighteen nor more than twenty-four cents on each taxable poll. The taxes provided for in this section shall be collected in the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively to the purpose for which they are collected. So much of said taxes as may be required to pay the interest on the bonds issued by authority of this act as it falls due and cannot be applied to the purchase or discharge of the bonds for which said taxes are levied and collected shall be invested so as to secure the payment at maturity of the principal of the said bonds; and to insure the due investment of the amount collected, from year to year in excess of that required to pay the said interest, the Board of Aldermen shall cause the said excess to be turned over to the Commissioner of the Sinking Fund of the city of Raleigh, whose duty it shall be under such general rules and regulations as said Board of Aldermen shall from time to time prescribe, to make investments of

so much of the taxes collected and turned over to him as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds issued under this act, and to do or perform all such other services in connection with said bonds as said Board of Aldermen may prescribe, and such Commissioner shall give bond and receive such compensation for his said services as said Board of Aldermen may determine.

SEC. 6. That the provisions of sections one and five of this act shall be submitted to a vote of the qualified voters of the city of Raleigh at an election to be held in said city on a day to be designated by the Board of Aldermen at any time after ten days from and after the ratification of this act, and after a public notice of the registration of such electors as is herein provided, designating the times and places at which such registration shall be had, and of the time when and places where the said election shall be held, which notice shall contain a copy of sections one and five or a synopsis of the same, given for thirty days prior to said new registration, and published in two or more newspapers published in the city of Raleigh. And for the purpose of holding and conducting said election the city of Raleigh is hereby divided into four wards, each of which shall constitute a single voting precinct, the boundaries of which shall be as follows: The area included between the centre of Hillsboro street and Halifax street and the extensions thereof to the centre of Union Square on the south and east, respectively, and the exterior boundaries of said city on the north and west, shall constitute the first ward, or voting precinct. The area included between the centre of Halifax street and New Bern avenue and the extensions thereof to the centre of Union Square on the west and south, respectively, and the exterior boundaries of said city on the north and east, shall constitute the second ward, or voting precinct. The area included between the centres of New Bern avenue and Fayetteville street and the extensions thereof to the centre of Union Square on the north and west, respectively, and the exterior boundaries of said city on the east and south, shall constitute the third ward, or voting precinct; and the area included between Fayetteville street and Hillsboro street and the extensions thereof to the centre of Union Square on the east and north, respectively, and the exterior boundaries of said city on the south and west, shall constitute the fourth ward, or voting precinct: *Provided*, that the wards or voting precincts herein constituted are for the sole purpose of holding and conducting the election herein provided and none other; that the city clerk shall perform the duties and have the powers conferred upon the County Board of Elections, except where the same are unnecessary, for the purpose of this election. The clerk of said city shall select and appoint four registrars in and for each of the wards or voting precincts aforesaid, and shall furnish them with proper registration books, and the said

Commissioner's duties thereto.

Question of bond issue to be submitted to qualified voters.

How election held.

Notice, what to contain.

How published.

City divided into four wards or voting precincts for purpose of said election.

Boundaries of first ward.

Boundaries of second ward.

Boundaries of third ward.

Boundaries of fourth ward.

Proviso.

City clerk to perform the duties and have the powers of county election board. Clerk to appoint four registrars.

Registrars to make new registration.      registrars shall, at the times and places designated by the Board of Aldermen, open said registration books and take a new and distinct registration of the qualified voters therein as provided in elections for the Aldermen of the city of Raleigh. Said election shall be held and returns thereof made, except as above provided, under the same rules and regulations as exist in the case of elections for Aldermen of the city. Those qualified voters approving the issue of the bonds provided for in section one and the levy and collection of the particular taxes provided for in section five of this act shall deposit in a ballot-box a slip containing the printed or written word "Approved," and those disapproving the same shall deposit a like slip with the printed or written word "Disapproved." If a majority of such voters shall vote "Approved" it shall be deemed and held that a majority of the qualified voters of the city of Raleigh are in favor of giving the Board of Aldermen authority to issue the bonds authorized by section one of this act and to levy the particular taxes authorized in section five of this act, and the Board of Aldermen shall have such authority. But if a majority of the qualified voters shall vote "Disapproved" then the Board of Aldermen shall not have such authority: *Provided*, that if at any election held under this act a majority of the qualified voters shall fail to vote in favor of issuing said bonds, it shall not prevent the Board of Aldermen of said city from ordering another election under this act at any time after the lapse of six months from the date of such former election, and if at such other election a majority of the qualified voters shall vote "Approved" it shall have the same force and effect as if no election had been previously held.

Election held under same regulations as exist for election of board of aldermen. Tickets, how printed or written.

If majority of voters vote "Approved," it shall be deemed a majority of qualified voters are in favor of bond issue. If a majority shall vote "Disapproved," aldermen shall not have authority to issue. *Provido.*

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

CHAPTER 248.

AN ACT TO AMEND CHAPTER 142 OF THE PRIVATE LAWS OF 1897, AMENDING THE CHARTER OF THE TOWN OF CARTHAGE.

*The General Assembly of North Carolina do enact:*

Chapter 142, Private Laws 1897, amended and added to.

SECTION 1. That chapter 142 of the Private Laws of 1897 be amended and added to as follows, to-wit: After the word "may" in line nine of section one of said chapter the words and figures "one thousand eight hundred and ninety-nine (1899)" are stricken out



and in lieu thereof the words and figures "one thousand nine hundred and three (1903)" are inserted; and after the word "belonging" and before the word "and" in line fourteen of said section one insert the words "purchasing a cemetery."

SEC. 2. That section number 43 of said chapter 142, as therein inserted, be amended by inserting after the word "appurtenances" in line nine of said section and before the word "not" the words "and for purchasing a cemetery."

SEC. 3. That said chapter 142 is further amended by striking out section 3 thereof and by inserting and adding after section 47 sections numbered as follows:

"SEC. 48. That the Board of Commissioners of said town of Carthage shall have full power and authority to condemn land for the purpose of draining the town or any part thereof or any of the streets and sidewalks thereof, and to that end they, their servants, agents and employees are fully authorized and empowered to enter upon, lay off, construct and maintain any ditch or other water-way over, across and upon any lands of any person or persons or corporations within or without the corporate limits of said town not to exceed one eighth of a mile therefrom in any direction they may consider necessary; and the damages in such condemnation proceedings shall be assessed in the same manner and under the same regulations as those prescribed in section 29 of chapter 32 of the Private Laws of 1881, with the same rights of appeal: *Provided*, that no appeal to the Superior Court shall in anyway delay, hinder or prevent the laying out, construction, final completion and maintenance of said ditch or other water-way during said appeal."

"SEC. 49. The Board of Commissioners may take such measures as they may deem effectual to prevent the entrance into town, or the spreading therein, of any contagious or infectious diseases, may stop, detain and examine for that purpose all things and persons coming from places believed to be infected with such diseases, may cause any person in town believed to be infected with such contagious disease, and whose stay might endanger the public health, to be removed to some place within or without the town limits; may cause to be removed or destroyed such furniture or other articles which shall be believed to be tainted or infected with any contagious or infectious disease, or which there shall be reasonable cause to apprehend will propagate disease, and may take all such reasonable steps to preserve the public health as they may adjudge necessary."

"SEC. 50. Whenever an offender has been convicted for a violation of a town ordinance and a fine imposed, the Mayor of said town or other officer before whom he shall have been convicted, at the time of entering judgment, may order that on failure to pay the fine to the Constable of said town, or the officer having him in charge, such offender shall be by such officer put to work on the streets of said

Section 43 of chapter 142 amended.

Section 3 stricken out.  
New sections added.

Town commissioners of Carthage may condemn land for purposes of drainage.

May construct and maintain ditch.

Damages, how assessed.

Appeal pending not to delay or prevent construction of ditches

Board of commissioners may take all necessary steps to prevent entrance or spread of contagious or infectious diseases.

Persons convicted of violating a town ordinance, on failure to pay fine, may be put to work on streets.

town for a time to be fixed by the Mayor or other officer rendering the judgment, not exceeding thirty days, when he shall be discharged.

Persons able to labor and found frequenting said town without means of support, shall be deemed vagrants and guilty of a misdemeanor.

Penalty. Fine or imprisonment.

Mayor may put such persons to work on the streets.

Tramps to be punished as vagrants.

"SEC. 51. Any and all persons who may be able to labor, who shall frequent said town and be found therein without any visible means of support, sauntering about without employment, or who shall be found sleeping at night, or spending the night in, or upon, the piazzas of the stores or the court-house in said town shall be deemed vagrants and guilty of a misdemeanor and punished by a fine not exceeding \$50 or imprisoned not exceeding thirty days, said offense being cognizable before the Mayor, who may cause such person to be farmed out to work on the public streets or other public works of said town."

"SEC. 52. That tramps as defined and punished by section 3828, 3829, 3830, 3831 and 3832 of chapter 63 of The Code are subject to the same penalties, punishments and cognizance as vagrants as set forth in the preceding section."

Dead bodies not to be interred except in the cemeteries now used in the corporate limits.

Commissioners empowered to buy and to or out of city limits for cemeteries.

Commissioners vested with control of all interments of the dead.

May sell cemetery lots to citizens and other persons and make deeds in fee thereon.

Purchasers to have exclusive right to said lots.

Proceeds of sale of lots to be used for improvement of cemetery, etc.

Commissioners to have full control of cemetery and make such rules and regulations therefor as they think proper, etc.

"SEC. 53. That the Board of Commissioners of the town of Carthage shall have power to prohibit the interment of dead bodies within the corporate limits of said town, except in the cemeteries now used in said town. Said Commissioners shall have the power and authority to purchase and hold to them and their successors, within or without the corporate limits of said town, so much land as in their opinion they may consider necessary to be used by the citizens and residents of the town for the purpose of burying the dead, to be known as the cemetery; and said Commissioners are hereby vested with the control of all interments of the dead and to make rules and regulations, and to adopt ordinances in reference to the same. They shall have power to sell, upon such terms as may be agreed upon between them and their purchasers, lots in said cemetery to citizens and residents of said town and other persons, in their discretion, to make deeds to such persons in fee to be executed by the Mayor under his seal, reciting that said lots are to be held for burial purposes and no other; and the purchasers of said lots and their heirs and assigns shall have the exclusive right to said lots and no burial shall be made thereon without the permission of the owners thereof. That the proceeds of the sale of said lots shall be first appropriated to the payment of the purchase price of said cemetery, or in replacing such money as may have been devoted to said purpose, and then to the improvement of said cemetery.

"SEC. 54. The Commissioners shall have full control of said cemetery, make rules and regulations, and appoint such person or persons for the management of the same as they may deem necessary; they shall lay off said cemetery in lots of such size and dimensions as they shall think proper; number the same, fix the prices thereon and cause a suitable map of the same to be made and filed in the office of the Mayor: they shall also provide space within said ceme-

tery for the burial of such persons as may not be able to purchase lots, and for that reason, or other reasons, be permitted by the board, or some persons authorized by it, to be buried in said cemetery: they shall grant or cause to be granted a burial permit for all deceased persons not owning lots in said cemetery or permitted to be buried on the lots of others, or otherwise permitted to be buried, and shall have discretion and power to charge a burial fee not exceeding \$3 for each body buried, to be used for the purpose of keeping up and improving said cemetery."

Burial permits to be granted.

May charge a burial fee.

"SEC. 55. The Commissioners shall provide separate cemeteries for the white and colored people of said town, and the fees paid and moneys accruing from the sales of the lots by the white people shall be used in the cemetery provided for them, and the fees paid and money arising from the sale of lots by colored people shall be used in the cemetery provided for them; both said cemeteries to cost not exceeding twelve hundred dollars."

Commissioners to provide separate cemeteries for whites and blacks. Fees derived from sale of lots, etc., in each cemetery to be used for cemetery from which derived.

Cemeteries to cost not exceeding \$1,200.

Cemeteries and lots therein exempt from taxation.

"SEC. 56. That the real estate purchased for said cemetery and the burial lots and plots conveyed to individuals for the purpose of interment shall be exempt from assessment and taxation and from sale under execution."

"SEC. 57. That any person who shall carelessly or willfully destroy, deface or injure any tombstone or other structure placed in said cemetery, or injure any shrub tree, plant or flower therein being shall be guilty of a misdemeanor and upon conviction fined or imprisoned in the discretion of the court."

Misdemeanor to destroy or injure tombstones, shrubs or trees in cemetery.

Penalty.

"SEC. 58. That the Commissioners of said town may cause to be kept in the Mayor's office of said town a record of vital statistics containing all births and deaths occurring therein and such other statistics as they may deem useful and necessary."

Commissioners may have kept a record of vital statistics.

"SEC. 59. Said Commissioners, in addition to their power to maintain a system of water-works, heretofore granted, shall have power and authority to contract and pay for water to be supplied by other persons or corporations to be used for extinguishing fire or other useful or necessary purposes in said town."

May contract for water supply, etc.

SEC. 4. That the section numbered 42 in chapter 32 of the Private Laws of 1881 and re-numbered 48 by section 2 of the Private Laws of 1897, amending said chapter 32, is hereby by this amendment re-numbered section 60.

Section 42, in chapter 32, Private Laws 1881, and re-numbered 48 by section 2, Private Laws 1897, is hereby numbered section 60. Conflicting laws repealed.

SEC. 5. That the sections and provisions of said chapter 32 of the Private Laws of 1881, as amended by chapter 142 of the Private Laws of 1897, together with this act, shall remain and be in force from and after the ratification of this act, and all laws in conflict with the same are hereby repealed.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

CHAPTER 249.

AN ACT TO INCORPORATE KITTRELL'S METHODIST EPISCOPAL CHURCH, AND TO PROHIBIT THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS WITHIN THREE (3) MILES THEREOF.

*The General Assembly of North Carolina do enact:*

Incorporators.	SECTION 1. That Elisha Cross, George W. Kittrell, L. W. Parker, J. F. Willey and H. B. Cross and their successors in office be and the same are hereby incorporated under the name and style of
Corporate name.	"Trustees of Kittrell's Methodist Episcopal Church, South," in Gates county and Haslet's township, and by that name may sue and be sued, plead and be impleaded, and shall have all powers of like institutions.
Powers and duties of trustees.	SEC. 2. That said trustees may meet at their pleasure and elect one of their number chairman and one secretary and treasurer, and said trustees shall fill all vacancies by a majority vote at any meeting of said trustees.
Unlawful to sell intoxicating liquors in three miles.	SEC. 3. That it shall be unlawful for any person or persons to manufacture or sell, directly or indirectly, spirituous or intoxicating liquors within three (3) miles of said church, and any person or persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty (50) dollars or imprisoned not more than thirty (30) days.
Violation a misdemeanor. Penalty.	SEC. 4. That all laws and parts of laws in conflict with this act are hereby repealed.
Conflicting laws repealed.	SEC. 5. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

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CHAPTER 250.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT HOLLY, IN GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

Section 5, chapter 222, Private Acts of 1889. Charter of Mount Holly amended.	SECTION 1. That section five (5) of chapter two hundred and twenty-two (222) of the Private Acts of the State of North Carolina, passed by the General Assembly at its session of eighteen hundred and eighty-nine (1889), entitled an act to incorporate the town of Mount
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Holly, in Gaston county, be and the same is hereby amended by striking out the words "sixty cents" in line five (5) of said section and inserting in lieu thereof the words and figures "one dollar and eighty cents (\$1.80)," and by striking out the word "twenty" in line five of said section and inserting in lieu thereof the word and figures sixty (60).

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 251.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF HILLSBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. The duly qualified voters of the town of Hillsboro, for the better government thereof, shall annually elect by ballot five Commissioners who, and their successors, shall be a body corporate with succession during the corporate existence of the town and shall be styled the Commissioners of the town of Hillsboro.

Five town commissioners to be annually elected.

SEC. 2. The Commissioners so elected shall meet regularly for the transaction of business once in each calendar month, at a time to be fixed by themselves, and may meet at such other times as may be deemed advisable, at the call of the Mayor of said town.

Commissioners to meet monthly.

SEC. 3. Chapter 276 of the Laws of 1854 is hereby repealed and in lieu thereof the following is substituted: The Board of Commissioners of Orange county shall have no authority to grant a license to retail spirituous, vinous or malt liquors within the corporate limits of the town except to persons who have been recommended by the Commissioners of the town. The Commissioners of said town may at their discretion decline to recommend any one for such license; but if they do recommend, the person or persons so recommended shall each pay into the town treasury annually at the time fixed by said Board of Town Commissioners one hundred dollars. Said town license or recommendation shall be valid for only one year from its date, and must be renewed annually under the above rules and regulations.

Chapter 276, Laws 1854 repealed and a substitute enacted, as to liquor licenses.

SEC. 4. The Mayor of said town shall have the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the State within the corporate limits of said town.

Mayor to have jurisdiction of a justice of the peace.

SEC. 5. As a peace officer the Town Constable of said town shall

Town constable to have all powers of county constables.

Chapter 62, volume 2 of Code applicable.

Conflicting acts repealed.

within the town limits have all the powers in criminal matters of a constable of the county.

SEC. 6. Chapter 62, volume 2 of The Code, entitled "Towns and Cities," where it does not conflict with the provisions of this act is hereby made applicable to said town of Hillsboro, and all acts or parts of acts relating to said town which conflict with said chapter or the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

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#### CHAPTER 252.

### AN ACT TO CHANGE THE NAME OF THE ATLANTIC DEVELOPMENT COMPANY TO THE CHATHAM COAL AND IRON COMPANY.

*The General Assembly of North Carolina do enact:*

Chapter 120, Private Laws 1897, amended.  
Corporate name changed.

SECTION 1. That the name of the Atlantic Development Company, a corporation created and existing under and by virtue of the Private Laws of North Carolina of 1897, chapter 120, is hereby changed so that the said corporation shall be and exist under the name and style of the Chatham Coal and Iron 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 7th day of March, A. D. 1901.

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#### CHAPTER 253.

### AN ACT TO EXTEND THE TIME OF COMMENCING WORK UNDER AMENDED CHARTER OF THE CAPE FEAR AND NORTHERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Section 10, chapter 270, Private Laws 1899, amended.

SECTION 1. That section ten (10) of chapter two hundred and seventy (270) of the Private Laws of eighteen hundred and ninety-nine (1899) be amended by striking out the word "two" in line two of said section and inserting "five" in lieu thereof.

Chapter 270, Private Laws 1899, re-enacted as herein amended.

SEC. 2. That chapter two hundred and seventy (270) of the Private Laws of eighteen hundred and ninety-nine (1899), as amended by section one (1) of this act be and the same is hereby re-enacted.

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

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 254.

#### AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 80, chapter 307 of the Private Laws of 1891 be amended by striking out the words "sixty cents" in line 6 of said section and inserting in lieu thereof the words "one dollar." Section 80, chapter 307, Private Laws 1891, amended.

SEC. 2. That section 15 of said chapter be amended by striking out the word "of" in line 9 and inserting the word "after" in lieu thereof. Section 15 amended.

SEC. 3. That section 81 of said chapter be amended by inserting after the word "sewerage" and before the word "and" in line 3 the following: "to purchase or erect and equip a gas plant and to purchase, erect and equip an electric light plant for the purpose of furnishing the city and its citizens with light, fuel and motive power; to purchase a controlling interest in any enterprise that may be useful and a benefit to the city and its citizens; or to extend the present system of water-works and provide additional supply of water for said city," and by striking out the word "six" in line 9 and inserting in lieu thereof the word "five." Section 81 amended.

SEC. 4. That section 82 of said act be amended by inserting after the words "not approved" at the end of said section the following: "That no election shall be held for the purpose of issuing bonds without first having a new registration of the qualified voters of said city as provided by law." Section 82 amended.

SEC. 5. That section 53 of said act be amended by striking out the words "one hundred and fifty" in line 8 and inserting in lieu thereof the words "two hundred and fifty." Section 53 amended.

SEC. 6. That section 7, chapter 151 of the Private Laws of 1893 be amended by striking out all of said section 7 and adding after the word "require" at the end of section 89, chapter 307, Private Laws of 1891, the following: "And the Board of Aldermen shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer, or owning property along said lines, after notice to said owners or their agents to connect their premises,

drains or other pipes with said sewerage, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto."

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

CHAPTER 255.

AN ACT TO AMEND THE CHARTER OF THE CITY OF  
HICKORY.

*The General Assembly of North Carolina do enact:*

Chapter 233, Private Laws 1889, amended.

Section 46 stricken out and new section inserted.

Question of license, how decided.

Proviso.

SECTION 1. That chapter two hundred and thirty-eight, Private Laws of eighteen hundred and eight-nine, entitled an act to amend the charter of the town of Hickory, be and the same is hereby amended by striking out all of section forty-six and inserting in lieu thereof the following: "That the question of licensing the sale of spirituous, vinous and malt liquors within the limits of said city shall be decided by a direct vote of the qualified voters thereof, and the Board of Aldermen shall at each annual election for Mayor and Aldermen provide a separate box in which the qualified voters of said city who favor the issuing of such license may cast their ballots bearing the printed or written word "License," and those opposed may cast their ballots bearing the printed or written words "No License," and if a majority of the votes so cast shall be in favor of "License" then the Board of Aldermen shall issue to applicants complying with the requirements of the general law license to sell spirituous, vinous and malt liquors by wholesale and retail within the limits of said city, and the tax upon each license shall be one thousand dollars; but unless a majority of the votes cast shall be in favor of "License" then said Board of Aldermen shall not grant any license for the sale of liquors within said city during the following municipal year: *Provided*, that the Board of Aldermen shall have power to revoke any license and close up any place where liquors are sold, sufficient cause being shown, and that without refunding any part of the 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 the 7th day of March, A. D. 1901.



## CHAPTER 256.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and sixty-nine of the Private Laws of eighteen hundred and ninety-nine, entitled "An act to amend, revise and consolidate the charter of the town of Lincolnton," be and the same is hereby amended by striking out the whole of section two thereof and inserting in lieu thereof the following, to-wit: "Section 2. That the corporate limits of the said town of Lincolnton shall be hereafter defined and located as follows: Beginning at the east abutment of the iron bridge of the Carolina Central Railroad on the south fork of the Catawba river, running thence with the east bank of said river as it meanders to the mouth of Clark's creek; thence with the east bank of Clark's creek to a point half way between Reinhardt bridge and Morganton road bridge on said creek; thence an air line to the northeast corner of V. A. McBee's land; thence with the northern line of the McBee land to V. A. McBee's and S. P. Sherrill's corner; thence an air line to the mile-post on the Beattie's ford road; thence an air line to mile-post on Tuckaseegee road; thence an air line course to Caleb Motz's, formerly Cansler's spring; thence an air line to the beginning."

Chapter 369, Private Laws 1899, charter of Lincolnton, amended.

Section 2 stricken out, new section inserted.

Corporate limits defined.

SEC. 2. That at the next regular town election of Lincolnton, to be held in May, 1901, the question of "extension" shall be submitted to the qualified voters of the whole territory embraced in the boundary lines set out in section one of this act, and the municipal election authorities of said town shall provide for same by having a separate ballot box in which to vote on the question of "extension," and shall provide all other requisites for an expression of the qualified voters of said territory, and those who are in favor of said "extension" shall vote on a written or printed ballot which reads "For Extension," and those opposed to the same on a ballot written or printed which reads "Against Extension."

Question of extension to be submitted to voters of municipal election of 1901.

Regulations for election.

SEC. 3. That said ballots shall be received, deposited, counted and tabulated under the general provisions of the election machinery governing said town, and as all other ballots or votes are disposed of, and the result of said election on the question of extension declared by the proper authorities.

Vote, how counted and result declared.

SEC. 4. That if a majority of the votes cast be "For Extension" this act shall take effect immediately, but if a majority be "Against Extension" this act is void.

Act to take effect when ratified by vote.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 257.

## AN ACT IN RELATION TO THE PUBLIC SCHOOLS OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

Mayor and board of aldermen to issue bonds for school purposes.

SECTION 1. That it shall be the duty of the Mayor and Board of Aldermen of the city of Asheville to issue coupon bonds in the name of the city of Asheville in such denomination and form as said Mayor and Board of Aldermen may determine, to the amount of ten thousand (\$10,000) dollars, and for the purposes hereinafter specified, which bonds are to bear interest from their date at a rate not exceeding five (5 per cent.) per cent. per annum, payable semi-annually and be payable thirty (30) years from their date at such place as said Mayor and Board of Aldermen may determine. That the said bonds shall be signed by the Mayor of said city and attested by the City Clerk and issued under the corporate seal of said city, and the interest upon said bonds shall be evidenced by interest coupons thereto attached in the usual form, and said bonds when issued and the interest accumulating thereon shall be fully binding upon said city and its property and shall show upon their face that they were issued for school purposes.

How issued.

Bonds when issued to be sold by city treasurer under direction of school committee.

SEC. 2. That said bonds, when issued, shall be delivered to the Treasurer of said city, who is *ex officio* Treasurer of the School Committee of said city, to be by him sold and converted into money and the proceeds thereof disposed of under the directions of the School Committee of the city of Asheville, for the purpose of building, equipping and furnishing a public school building on the property purchased by said city from C. E. Graham, situated on the east side of Park avenue; any surplus remaining of said funds to be used by said School Committee in paying off the balance due on the said school building site, and thereafter any surplus to be used as said committee may determine, for the use and benefit of the public schools of the city of Asheville.

Proceeds to be used in building and equipping school building and paying balance due on building site.

Mayor and board of aldermen to levy and collect tax to pay interest on bonds, etc.

SEC. 3. That the Mayor and Board of Aldermen of the city of Asheville, upon the issuing of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of said city sufficient to meet the interest of said bonds and pay the principal thereof when they shall become due and payable, and said taxes shall be collected in like manner as the other taxes of said city and paid into the hands of

Tax, how collected. the Treasurer thereof for the purposes aforesaid.

Question of issue to be first submitted to qualified voters.

SEC. 4. That said bonds shall not be issued nor said taxes levied until authorized by vote of a majority of the qualified voters of the said city at a public election to be held in the same manner as

elections are or may hereafter be held in said city for the election of Mayor and Aldermen thereof. At such election those who favor the issuing of said bonds and levying the taxes herein provided for shall vote ballots with the words "For School Building" written or printed thereon, and those opposed to issuing said bonds shall vote ballots with the words "Against School Building" written or printed thereon; and if at any such election a majority of the qualified voters of said city shall vote ballots with the words "For School Building" written or printed thereon, then the said Mayor and Board of Aldermen shall issue said bonds and levy a tax sufficient to meet interest and principal thereof when due, as hereinafter specified. The first election under this act shall be held at the general election for Mayor and Board of Aldermen of said city in the year 1901, and if at such election a majority of the qualified voters of said city shall not vote in favor of issuing said bonds, then the Mayor and Board of Aldermen of said city shall at any time, and as often thereafter as they deem best, upon the petition of one-fourth of the qualified voters of the said city, order an election to be held under the rules and regulations prescribed by law for the election of Mayor and Aldermen of said city, and after thirty days' public notice thereof, and at each of such elections the ballots shall be as hereinbefore directed; and if at any such election the majority of the qualified voters of said city shall cast ballots in favor of the issuing of said bonds as aforesaid, then the said bonds shall be issued by said Mayor and Board of Aldermen, to be applied to the purposes and upon the terms and conditions hereinbefore stated in this act.

Election, how and when held.

Election to be held at municipal election of 1901.

May order other elections if first is adverse to issue.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 258.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOORESVILLE, AND TO AUTHORIZE THE COMMISSIONERS THEREOF TO ISSUE BONDS FOR IMPROVEMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing, owning and operating a water-works plant and an electric or other light plant, a sewerage plant, or for macadamizing or otherwise improving the streets and roads within the incorporation boundaries, or for any or for all of these objects the Commissioners of the town of Moores-

Question of issuing bonds for public improvements to be submitted to qualified voters first Monday in May, 1901.

	ville are authorized and empowered to submit to the qualified voters of said town, on the first Monday of May, 1901, or at any subsequent time thereafter in their discretion, the question of issuing bonds to the maximum amount of fifty thousand dollars (\$50,000) in the aggregate for all purposes above mentioned.
Amount of bonds \$50,000.	SEC. 2. The Commissioners may hold an election for the issuance of any part of this aggregate amount for any one or two of the objects above-named at one time and at another time or times for another definite amount for the other objects: <i>Provided</i> , the aggregate for all purposes shall not exceed fifty thousand dollars (\$50,000).
May submit question as to amount for each purpose.	
Proviso.	
Notice of election.	SEC. 3. The Commissioners shall give public notice of any election upon the issuing of bonds for at least thirty days, which notice shall state clearly the object of the election, giving the amount of bonds, the rate of interest of the same and the purposes to which the proceeds are to be applied.
How question to be voted on.	SEC. 4. In any election so ordered the question of issuing bonds shall be submitted on ballot, with the words "For Bonds" if in favor of the issue, and "Against Bonds" if opposed to the issue. If a majority of the qualified voters vote "For Bonds" then the Commissioners are authorized to issue bonds to the amount designated in the notice of election, these to be coupon bonds, each coupon indicating interest for six months, this interest at a rate not to exceed six per cent. and payable the first days of July and January of each year. The bonds shall run for thirty years, with privilege of funding at the end of twenty years, and shall not be sold for less than par.
Bonds to run thirty years.	
How issued and signed.	SEC. 5. The bonds shall be signed by the Clerk and countersigned by the Mayor. They shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000).
If bonds issued board of commissioners to levy and collect annual tax to pay interest and provide sinking fund. Proviso.	SEC. 6. If bonds shall be issued under authority of this act it shall be the duty of the Board of Commissioners to levy and collect annually a tax sufficient to pay the interest and provide a sinking fund for the payment of the principal: <i>Provided</i> , the total tax rate of the town for all purposes may be sixty cents on every one hundred dollars worth of property, and one dollar and eighty cents on every poll, and shall not exceed this rate.
Powers of board.	SEC. 7. (1) That the Board of Commissioners shall have power to grade, macadamize and pave the sidewalks of the said town; to lay out and open new streets or extend or widen those already opened, and to make such improvements thereon as the public conveniences may require. (2) That when in the opinion of the Board of Commissioners any land or right of way shall be required for the purpose of opening new streets or extending or widening those already open, or for objects allowed by the charter or by this act now made a part of the charter, the town may purchase the same from the
May condemn land for streets.	

owner or owners thereof and pay such compensation therefor as may be agreed upon; or at the option of the town, the same may be taken at a valuation to be made by four freeholders, residents of the town, to be appointed in the following manner, to-wit: Two to be selected by the property owner and two to be appointed by the Mayor and Board of Commissioners. In the event that these four cannot agree, they shall select one additional freeholder, resident of the town. The award of the appraisers, or any three of them, shall be final when reduced to writing and filed with the Town Clerk. (3) If any one of said appraisers should own, control or be interested in the land upon or over which any street is proposed to be condemned, widened, extended, improved or used for public purposes as provided in this act, the Mayor and Board of Commissioners may appoint another freeholder of said town not so interested, who shall qualify and act in his stead in that particular case; and upon a written challenge, made by any land owner whose property is to be taken, to any appraiser appointed by the town on the ground of interest, if such interest is found to exist, then the Mayor and Board of Commissioners shall select another appraiser. But when any substitute is appointed on account of removal of any appraiser on the ground of interest, the town shall have the right to provide a substitute for such appraisers as it may have selected who are interested, and the land owner shall have the right to select his substitute for any appraiser thus disqualified. (4) That the Mayor may fill all vacancies caused by failure to qualify, resignation or otherwise of such appraisers as are appointed by the town, and the land owner shall fill all vacancies caused for like reasons of any appraiser appointed by him: *Provided*, such land owner fills such vacancy within five days, otherwise the Mayor and Board of Commissioners may fill such vacancy, and the four appraisers shall fill any vacancy of the fifth man for failure to qualify, resignation or otherwise: *Provided*, if any appointee shall refuse to qualify or serve, unless excused or relieved by the Mayor and Board of Commissioners, he shall be subjected to a penalty of not more than fifty nor less than twenty-five dollars, to be recovered as other penalties before the Mayor or a justice of the peace. (5) When it is proposed to condemn any land or other property for the purposes herein specified it shall be done by an order or resolution of the Board of Commissioners at a regular or special meeting of the board, stating generally, or as near as may be, the nature of the improvements for which the land is required, whether wanted in fee-simple or an easement therein, and directing the said appraisers of valuation and assessment to proceed to assess the damages to the property to be taken, on a day to be named in the order or resolutions, or at such time as the appraisers may appoint. Not less than five days' notice of the time of meeting of said appraisers shall be issued by the Mayor or appraisers and served

Method of procedure.

Any appraiser interested, commissioners to appoint other freeholder.

Town to have right to name substitute appraiser.

Mayor to fill vacancies.

Proviso.

Proviso.

Penalty for refusal to qualify and act.

Condemnation proceedings.

Notice, how served.	by one of the police of the said town by reading the same to the land owner to be notified, or by leaving a copy of the notice with him or with his agent or with some adult at his residence. (6) The said
Appraisers to view lands.	appraisers shall at the appointed time meet upon the lands to be condemned and view the same and assess the damages to be paid to the owner or party entitled thereto. In making such valuation and
What to be considered.	assessment the appraisers shall take into consideration the loss or damage that may accrue to the owner by reason of the land or right of way being surrendered; also any benefit or advantage such owner will receive from the opening, extending or widening or the use of the property for any improvements made thereon, and shall ascertain the amount of loss or damage in excess of the said benefit or advantage in excess of loss or damage, if any, and they
To make report. Board may set aside report.	shall report the result in writing to the Board of Commissioners. The board may refuse to take the property upon the assessment of damages made by the appraisers, in which case the report may be set aside, and the title to the land shall remain in the owner until
Proviso.	further proceedings are had to condemn the same in accordance with the provisions of this act: <i>Provided</i> , if the board refuse to take the property upon the assessment of damages the town shall pay the cost of the appraisers in making the assessment. (7) That in order to
Board may cause surveys.	ascertain what improvements should be made to the streets and sidewalks, or in or upon any lands for any of the public improvements provided for in this act, and how much lands or property will be required to be taken for streets, sidewalks, water-works, sewerage, gas, electric lights or any other system of lights, or any other public improvements, the Board of Commissioners may cause such surveys as they may deem necessary to be made upon the lands to be taken
Proceedings for collection of assessments.	or condemned. (8) That if the amount assessed upon any land is not paid by the owner thereof within twelve months after the assessment is made, and notice thereof is served upon him, or demand for the payment of the amount assessed, the same may be recovered and the said lien enforced by a civil action, to be brought in the Superior Court of Iredell county, for the sale of the property which is thus sub-
Either party may appeal.	ject to the <u>lien</u> , and for such other relief as may be appropriate to the case. If any person whose land or rights are affected by the proceedings under this section, or the Commissioners of said town are dissatisfied with the award of the appraisers, then and in that case either party may appeal to the next term of the Superior Court of
Proviso.	Iredell county: <i>Provided, however</i> , that such appeal shall not hinder or delay the Commissioners in opening or widening such streets or using the property for constructing or erecting any public improvements for the benefit of the town as in any of the sections herein provided.
Manner of notice to non-residents.	SEC. 8. That where any notice is required to be given by the charter of said town, or any amendment thereof, and the person to

be notified is a non-resident of Iredell county, the notice may be served by the sheriff or other lawful officer of any county in which the said person may be, and if the person is a non-resident of the State the notice may be served by publication thereof once a week for four successive weeks in a newspaper published in Iredell county, and the affidavit of the publisher, proprietor or foreman of said paper that said notice was so published shall be *prima facie* proof of such publication, and the time of notice shall be counted from the last day on which the notice was inserted in said paper.

SEC. 9. The value of any benefit or advantage to any lot or land arising from the opening, extending, widening or improving any street and making any of the other improvements in any of the sections herein provided for and accruing to said lot or land in common with other lots or lands similarly situated may be assessed by the said appraisers against the lots so benefited, and shall be a lien thereon, and the payment thereof may be enforced as provided in this act. The amount of said assessment shall be separately stated in the report of the appraisers, and such common benefit derived by any lot or land shall not be considered in assessing damages to be paid to any land owner or in ascertaining the excess of any benefit over loss or damage under this act. And when any land for any public improvements shall be condemned for the use of the town, according to the provisions of the foregoing or subsequent sections, and the same has been accepted by the Commissioners, the report of the appraisers, when the same has been made final and spread upon the records of the town by the Town Clerk, containing a description of the property condemned to the uses of the town, shall thereupon vest the title to the same in fee-simple where such title is contemplated by the assessment or the title to the easement and use thereof where such title is contemplated, as the case may be: *Provided*, that any special improvement made upon the streets already established and for which assessments are made against the land owner shall be limited to the sidewalks, unless otherwise agreed between the land owner and the town, and when such improvements are made the town shall pay one-half the costs therefor and the land owner the other half of the costs, unless otherwise agreed.

Value of benefit or advantage to lots, how ascertained

Amount of assessment to be separately stated in report.

Report of commissioners in condemnation proceedings to vest title.

PROVISO.

SEC. 10. The Board of Commissioners of the said town are authorized and empowered to construct and maintain for the said town a system of water-works and sewerage for the purpose of supplying the inhabitants thereof a public system of water-works, drainage and sewerage, and they are further authorized to furnish and supply the inhabitants of the said town a system of gas, electric or any other system of lights, one or any, and to this end they are hereby authorized and empowered to enter upon and hold for the purposes of this act and for the purposes of any other public improvements necessary for the public health and well-being of the said town, hitherto or

Commissioners authorized to construct and maintain water-works, sewerage, gas or electric lights, etc.

hereafter established, so much of the water of any stream or springs within five miles of the town of Mooresville and such land over or through which it is proposed to construct ditches, reservoirs, conduits, necessary buildings, hydrants, fixtures, lay pipes, man-holes or other necessary appliances, or to construct roads for the purpose of surveying, running or laying out the lines thereof; they are authorized to take title in fee or title for the easement to the town for any land for any of the purposes aforesaid upon such price as may be agreed upon between the owner and the Board of Commissioners, but if it shall be found that the owner or owners of any such stream or land cannot agree upon a price to be paid by the town for the right of way or use thereof for the purpose of erecting and establishing reservoirs, conduits, mains, supply pipes or any other appliances necessary for the construction of the improvements aforesaid, or any of them, then the said springs and streams and lands may be condemned to the use of the town agreeably to the provisions of the foregoing sections for the condemnation of lands for street improvements. And for the purpose of successfully operating any of the said improvements aforesaid the Commissioners of the town are fully authorized to extend the lines

May take title in fee for easements.

Powers with regard to streams and lands beyond corporate limits.

Proviso.

Proviso.

of any of the said systems of improvements in any direction thought most advisable, and to this end the Board of Commissioners, for the purposes of this act, shall have the same powers with regard to streams and lands beyond the corporate limits of the town as they have with regard to those within the corporate limits of the town: *Provided, however,* that in case of discontinuance of the use of the land (where the town only acquires an easement therein) either for the purposes mentioned in this act or in the charter or upon reversion to the owners, the town shall have the right to remove any property or improvements erected under its authority upon the land: *Provided,* that the land owner over whose land the town seeks an easement or right of way, or seeks to obtain title therefor, and which is situated outside of the corporate limits of the town, shall have the option to select his two appraisers from amongst any of the freeholders of the county of Iredell.

Board of commissioners shall have power to make ordinances, etc., for the protection and regulation of improvements. Jurisdiction extended beyond corporate limits.

Police may execute process anywhere in Iredell county.

Mayor's jurisdiction.

SEC. 11. That the Board of Commissioners shall have power to make and provide ordinances, by-laws, rules and regulations in order to protect any of the said system of improvements referred to in this act, and to this end the jurisdiction of the said town shall be extended beyond the corporate limits of the town and extend over any lands, streams or property condemned and used for public improvements as aforesaid or connected with them in any way as to be necessary for their enjoyment, and the police of the town shall have power to execute the process of the Mayor anywhere in Iredell county to enforce the said rules and regulations.

SEC. 12. That the Mayor of the town of Mooresville shall have jurisdiction over and power to try any misdemeanors, the trial of



which are conferred upon mayors of towns, which shall or may occur upon any of the property under the control of, belonging to, used by or connected with the town of Mooresville for any of its public works, and any police officer of the town is hereby authorized to execute any precept of the Mayor anywhere in Iredell county.

Police to execute mayor's precept anywhere in Iredell county. Elections, how held.

SEC. 13. Any election under authority of this act shall be held as elections for members of the General Assembly, and the returns thereof shall be certified to the Register of Deeds of Iredell county.

SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 259.

### AN ACT TO INCORPORATE THE TOWN OF WOODSIDE, IN THE COUNTY OF ROWAN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Woodside, in the county of Rowan, be and the same is hereby incorporated by the name and style of the "Town of Woodside," and shall be subject to the provisions of The Code, contained in chapter sixty-two (62) of The Code of North Carolina, not inconsistent with this act.

Woodside, Rowan county, incorporated.

chapter 62 of Code to apply

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a black oak on the north side of Rufus B. Peeler's, running south 42 west 36.50 to a post oak near Alfred L. Peeler's residence, including the same; thence south 50 east 46.64 to a stake near Stone Mountain, including the same; thence north 20 east 47 to a stake near William M. Lefler's, including his residence; thence north 60 west 47.50 to the beginning corner at Rufus B. Peeler's.

Corporate limits defined

SEC. 3. That the officers of said town shall consist of a Mayor, four (4) Aldermen and a police; and the Aldermen, when qualified as required by law, may elect a Town Clerk and other town officers necessary to the preservation and regulation of the town's best interest.

officers of town.

SEC. 4. That, until the election hereinafter provided for, the Mayor and the four Aldermen provided for in the preceding section of this act shall be as follows: Mayor, Jerry L. Chufing; Aldermen, William M. Lefler, L. J. Kluttz, Rufus B. Peeler, Alfred L. Peeler, who shall hold their respective offices until their successors are elected and qualified. The Board of Aldermen, after having taken the oath prescribed by law, may elect a Town Police and Clerk and

Mayor and board of aldermen appointed.

Term of office.

Board may elect police, treasurer, etc.

Treasurer, and such other town officers as may be needed, and require of them such bonds, payable to the State, for the faithful performance of the several duties, as to the said board may seem just and reasonable.

Town election to be held first Monday in May, 1902.

SEC. 5. That there shall be held on the first Monday in May, one thousand nine hundred and two (1902), under the same rules and laws that regulate State elections, and every two years thereafter, in some convenient place in said town, to be designated by said Board of Aldermen, by notice of the time and place thereof posted in three public places in said town, an election for a Mayor and four (4) Aldermen, who shall hold their offices until their successors are qualified.

After first election, board may dispense with notice of future elections.

SEC. 6. That after the first election held in pursuance to the provisions of the preceding section, the said Board of Aldermen may dispense with the notice of the time and place for holding the election provided for in this act: *Provided*, they shall establish, by ordinance or otherwise, a permanent polling place in said town.

Proviso.

Who eligible for mayor.

SEC. 7. That any qualified elector in this State shall be eligible as Mayor or Aldermen: *Provided*, he shall have resided within the corporate limits of said town for twelve months next preceeding the day of election.

Qualifications of electors.

SEC. 8. That all persons entitled to vote in the county of Rowan for members of the General Assembly, and who shall have been *bona fide* residents of the town of Woodside ninety (90) days next preceeding 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.

Manufacture and sale of intoxicating liquors prohibited.

SEC. 9. There shall be no intoxicating liquors, wines or beer manufactured or sold within said town, nor within one mile of any part of the corporate limits of said town.

Board of aldermen to enact ordinances.

SEC. 10. The Board of Aldermen of said town may adopt and enact such ordinances, rules and regulations for the government of said town and preserving the peace and abating nuisances as in their judgment may seem reasonable and just, and may enforce the same

How ordinances to be enforced.

by fine, not exceeding \$50, or imprisonment not exceeding thirty days on the public roads of the county.

Punishment provided for violations of town ordinances.

SEC. 11. When any person has violated or does hereafter violate any ordinance that the Board of Aldermen may enact, the Mayor may enforce a fine for its violation, or a term to be served on the public roads of the county, as set forth in the preceding section, and when any person is ordered to pay a fine and shall fail or refuse to pay the same, then the Mayor shall issue a commitment to the sheriff of said county to receive said person, and shall state in said commitment the number of days the said person shall work on the public roads aforesaid, and the sheriff shall thereupon turn said person over to the proper authorities to be worked on the said road.

SEC. 12. The Mayor of said town shall have the same criminal jurisdiction over all criminal matters that justices of the peace now have in addition to the jurisdiction of violating the ordinances of said town, and his warrants may be served anywhere in the county by its officers or the sheriff of the county.

Mayor's criminal jurisdiction.

SEC. 13. That in addition to the powers conferred on the Aldermen in the incorporated towns enumerated in chapter (62) sixty-two of The Code of North Carolina, the said Aldermen shall have power to lay out and open any new street or streets within the corporate limits of said town whenever by them deemed necessary; *Provided*, the town streets shall not cross or pass through the rock quarries now opened on lands for quarries in said limits and shall never in anywise go on said quarry lands for town purposes. And they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof, within the corporate limits of said town, except the quarry lands, 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, except as above stated, upon making a reasonable compensation to the owner or owners of the land sought, to be condemned or appropriated for public use by the Aldermen, and if the Aldermen cannot agree as to the compensation, then the matter shall be referred to arbitration, the Aldermen and owners of the land each choosing one freeholder and a qualified elector of said town, and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator, then the Mayor shall in his stead choose such arbitrator for him or her, and in case the two chosen as aforesaid cannot agree, then the arbitrators so chosen shall elect an umpire, like qualified as themselves, whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefits accruing to owners in consequence of the taking and appropriating of said land, and award to the said owner the amount, if any, that shall be paid by the town for the use of the land so taken, and the award of the arbitrators shall be conclusive of the right of the parties, and shall vest in the Aldermen the right to use the land for the purposes for which it is condemned. And the damage agreed upon between the owners of land and the Board of Aldermen, as awarded by the arbitrators, shall be paid as other town liabilities; *Provided*, that either party may appeal to the Superior Court of Rowan county.

Additional powers conferred.

May condemn land for streets, etc.

Provisions for condemnation and arbitration proceedings.

SEC. 14. That the said board may prohibit the running at large of horses, cattle, hogs, sheep, jacks, jennets, goats and such other live stock in the corporate limits of said town, and are hereby empowered to make such rules and regulations as they may deem best for the impounding and sale of all the animals mentioned in this section, as

May prohibit live stock from running at large on streets.

well as other live stock not mentioned, from roaming at large in the corporate limits of said town contrary to the ordinances of said town.

May enact necessary police regulations.

SEC. 15. That the said Board of Aldermen are hereby empowered to enact such police regulations as may be necessary for the government of the town.

Shall elect tax-collector.

SEC. 16. That the Board of Aldermen shall elect a Tax-collector to collect the taxes of said town, and he shall have the same rights, powers and authority as the sheriff of the county now has, or may hereafter have, for the collection of State and county taxes, and said Tax-collector shall be governed by the same laws, rules and regulations in regard to the collection of taxes and levies and sales for taxes that said sheriffs are governed by for the collection of State and county taxes, but before said Tax-collector shall have any right or authority to collect taxes he shall give a good and sufficient bond to said town and be approved by the Aldermen of said town in such sum as they may deem sufficient. The said Tax-collector shall *ex officio* be an officer of said town with full power and authority to serve the processes of said town anywhere in the county, and the Board of Aldermen may combine in one the office of policeman and Tax-collector, if they should so desire.

Powers and duties of tax-collector.

Tax-collector to give bond.

Police officer by virtue of office.

Taxes, how levied and collected.

SEC. 17. The Board of Aldermen shall annually levy an *ad valorem* tax on all property, real and personal, not exceeding eight and one-third (8 1-3) cents on every one hundred dollars worth of property, as assessed for State and county taxes, and according to the same valuation assessed for State and county taxes, and shall place a *per capita* tax on every male residing within said town liable to pay poll taxes, as now provided by law, a poll tax not exceeding twenty-five (25) cents per head, the Constitution and laws of the State to be observed in the assessing of property, the levy of taxes and the collection of taxes and sale of property for the same.

Board may fix salaries of town officials.

SEC. 18. The Board of Aldermen may fix the salaries of the officers of said town and pay the same from any money in the hands of its Treasurer. Taxes, costs, fines and penalties shall be used as the said Aldermen may deem for the best interest of said town, and fill vacancies caused by death, removal or otherwise of its town officials.

Persons failing to pay fines may be worked on streets.

SEC. 19. The Mayor may work on the street of said town all persons failing to pay his or their fines and penalties, instead of sending them to the public roads of the county, as prescribed above.

SEC. 20. That this act shall be in-force from and after its ratification.

In the General Assembly read three times, and ratified this 7th day of March, A. D. 1901.

## CHAPTER 260.

## AN ACT TO INCORPORATE THE TOISNOT BANKING COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John D. Dawes, R. S. Wells, T. W. Williams, Incorporators. G. A. Barnes, J. C. Hales and their present and future associates and successors be and they are hereby constituted a body politic and corporate under the name and style of the Toisnot Banking Company, Corporate name. and shall so continue for the period of thirty years, with the capacity to sue and be sued, to maintain and defend action in the corporate name, to take, hold, buy, sell and convey real and personal property, and to conduct, transact and carry on a general banking business in Corporate powers. its fullest scope and meaning, with all the powers herein specially granted, and the rights, powers, privileges and immunities granted by the provisions of chapter 7, volume II of The Code of North Carolina and the laws of said State amendatory thereto.

SEC. 2. That said bank shall be located in the town of Elm City, Location. Wilson county, North Carolina.

SEC. 3. That the capital stock of said bank shall be ten thousand Capital stock. dollars with the privilege on the part of the stockholders or a majority thereof to increase the same to any further amount not to exceed fifty thousand dollars, said capital stock to be divided into equal shares of par value of one hundred dollars each.

SEC. 4. The corporators above named, or a majority thereof, may Corporators authorized to open subscription books. and they are hereby empowered to open books of subscription for the said capital stock of said bank at such time and places and for such period as they shall hereafter determine; and the stockholders at any general meeting called after the organization of said bank may, at their discretion, re-open said books of subscription for the said capital stock until the total amount of capital stock authorized shall be taken.

SEC. 5. Whenever ten thousand dollars of the said capital stock shall have been subscribed for and paid into the capital stock of the said bank, the above-named stockholders or a majority of them, or a majority of those who have subscribed for and paid in the capital stock, shall call a meeting of the subscribers for said capital stock at such time and at such places and on such notice as they may deem proper, and such stockholders shall elect directors, at least seven in number, who shall hold offices for one year, or until their successors have qualified, and such directors shall be empowered to elect a president and a vice-president, who shall hold office during the continuance of the term of said directors. May organize when ten shares of stock subscribed and paid in. Directors may be elected. Directors may elect officers.

SEC. 6. The said directors and the president of said bank may

Corporate powers,  
privileges and  
duties.

adopt and use a common seal and alter the same at their pleasure; may make and appoint all necessary servants, agents and employees as in their opinion shall be necessary for the carrying on said business, fix their compensation and take such security for the faithful performance of their duties as in their opinion may seem proper, and shall prescribe the manner of paying for the capital stock and registering and transferring of the same, and may do a general banking business on such terms and rates of interest and discount, not to exceed the legal rate of interest in the State or North Carolina, as may be agreed upon, and in general shall have such powers, privileges and immunities conferred on corporations by the laws of the State of North Carolina relating to banking. The said bank shall have a lien on the capital stock subscribed for, for the payment of the same, and shall have the power to sell the same for the amount due thereon, first giving thirty days' notice by advertisement in some weekly newspaper published in the county of Wilson. But no sale of stock for the amount due thereon shall be deemed to be a release of any further amount due thereon in case the said stock shall fail to sell for an amount sufficient to pay the amount due thereon as aforesaid.

Banking privileges  
defined.

SEC. 7. The said bank shall have the power to receive and pay out the lawful currency of the country, to deal in exchange, gold and silver coin, bullion, current and uncurrent paper and public and other securities and evidences of debts; may purchase and hold such real estate and other property as may be conveyed to secure debts of said bank and may be sold to satisfy any debt due said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of their business, and at pleasure sell and exchange the same; may discount notes and other evidences of debts and lend money on such terms as shall be agreed upon at a rate of interest which shall in no case be greater than the legal rate of interest in this State, which said interest may be taken in advance at the time the loan is discounted. It may receive money on deposit on such terms as the depositor and the officers of the said bank may agree upon. The said bank may receive on deposit money held in trust by guardians, administrators, executors and other persons and issue certificates therefor, said certificates bearing interest at such rate as may be agreed upon by the parties, which certificates shall be assignable and transferable under such regulations as may be prescribed by the president and other officers, and all certificates and evidences of deposit which shall be signed by the president or other officers having the capacity to sign the same shall be as binding as if the same was executed under the common seal of the corporation. Each and every stockholder of said bank shall be liable to the extent of his ownership in the capital stock of said bank and no more for the debts of the said bank.

May hold trust  
funds, etc.

SEC. 8. Whenever any married woman or minor shall deposit money or other property in said bank to their own credit as a trust fund, they may withdraw the same on their own check or receipt, and they shall be bound thereby, and said bank shall be released from all liability on account thereof, and such check or receipt shall be sufficient evidence of such release and discharge of the said Bank on account thereof, and shall bind such married woman or minor and all persons claiming under them.

Deposits by  
minors and mar-  
ried women.

SEC. 9. And for the purpose of enabling the said bank to aid planters, manufacturers and others, the said bank shall have the power to loan to planters and manufacturers or other persons and to secure the repayment of the same by taking a lien in writing on the crops to be raised even before the same shall have been planted or upon any articles then in existence or thereafter to be made, purchased or otherwise acquired, and all such liens thus taken shall be good and binding in law: *Provided*, the same shall be registered under the existing registration laws prior to other liens upon the said crops or articles for securing such advance. And the said bank shall have the power to make loans on mortgages on real estate or personal property, and also to receive in storage or warehouses, or upon cotton goods, any cotton or other products or manufactured articles whatever as a pledge or pledges for the repayment of such loans or loan of money or moneys made upon the faith of such pledge, the said liens or pledges to be registered in accordance with the laws in force in the State of North Carolina relative to registration, and any and all sales made under such mortgages, liens or pledges shall be good and effectual at law.

May loan money  
to planters, manu-  
facturers and take  
liens, mortgages,  
etc., to secure  
same.

SEC. 10. That the president of said bank shall be or not be an owner of a share or shares of the capital of stock of said bank, as in the opinion of the stockholders may seem best.

President.

SEC. 11. That the stockholders of said bank shall have the power to make and prescribe such by-laws for the government of the same as they shall deem best.

May make by-  
laws, etc

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 261.

#### AN ACT TO INCORPORATE THE SWICEGOOD TOLL- BRIDGE COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That H. H. Swicegood, P. S. Stewart, C. W. Stewart, C. D. Lefler, F. L. Stewart and Thomas J. Hendrix and such others Incorporators.

Corporate name.	as may be associated with them, their successors and assigns, are hereby created a body corporate under the name of "The Swicegood Toll-bridge Company," and by that name may sue and be sued, plead and be impleaded, and have a common seal, and have and
Corporate rights and powers.	enjoy all rights, privileges, franchises and immunities pertaining to corporations: may adopt such by-laws and regulations, not inconsistent with the laws of the State, as may be necessary to carry out the objects of the corporation. Said company shall exist for a period of sixty years, and may buy, sell, lease, hold and deal in real estate and personal property.
Corporate existence.	SEC. 2. That the capital stock of said company shall be five thousand dollars (\$5,000), divided into such number of shares as the by-laws may determine.
Capital stock.	SEC. 3. That at any time within two years from the passage of this act the corporators above named, any two of whom may act, may cause books of subscription to be opened at Salisbury or Mocksville, North Carolina, or both, and whenever the sum of one thousand dollars has been subscribed, any one of said incorporators may call a general meeting of the stockholders for organization, at which meeting or at any general meeting, not less than a majority of the capital subscribed, represented either in person or by proxy, shall constitute a quorum for the transaction of business. At the first general meeting of the stockholders it shall be their duty to elect from among
May organize within two years.	their number a president, secretary, who shall also be treasurer, and a board of directors of not less than three nor more than five, who shall also be stockholders, each to hold office for one year, or until their successors are chosen, and have the management of the affairs of the company.
Quorum.	SEC. 4. That said company shall have the right to construct, own and operate a toll-bridge across the South Yadkin river at a point within a quarter of a mile above the old Swicegood ferry, in Rowan and Davie counties, and below the mouth of Second creek to connect Rowan and Davie counties. That if said company and the owner of any lands which may be necessary for the location of said bridge, the building of a keeper's house, or the laying out and opening of any public roads to or from said bridge in any direction, shall not be able to agree on the price for same, or for any cause said land cannot be purchased from the owner, the same may be taken by the company at a valuation to be ascertained as follows, namely: On application by the company to any justice of the peace for the county in which said land is situated it shall be the duty of said justice of the peace to issue warrant to the sheriff of said county to summon a jury of not less than five freeholders to meet on the land on the day named in such warrant, not less than five nor more than twenty days thereafter, and on receipt of said warrant the sheriff shall summon the jury and notify the owner of the land of the time and place at which he has summoned the jury to meet, and
To elect officers.	
Term of office.	
May construct, own and operate a toll-bridge at Swicegood old ferry, between Rowan and Davie counties.	
May condemn necessary lands for corporate purposes.	
Procedure for condemnation.	
Sheriff to summon jury and notify owner of land of time and place of meeting.	



when met, if three or more shall appear, he shall administer an oath to them that they will impartially value the land. The proceedings of said jurors, or a majority of them, accompanied by a description of the land, shall be returned under their hands and seals by the sheriff to the Clerk of the Superior Court, there to remain as a matter of record, and on payment of said valuation into the office of the Clerk of the Superior Court the land shall vest in the company: *Provided*, that if either the owner or owners of such lands or the company shall be dissatisfied with the valuation of said jurors, either party may have an appeal to the Superior Court of the county in which the land is situated, but such appeal shall not delay nor interrupt said company from using said land for purposes named pending such appeal.

Proceedings of jury to be returned to clerk of Superior Court.

Provided

SEC. 5. That said company shall prescribe rates to be charged for tolls in their by-laws, but they shall in no case exceed the following rates: For man on foot, five cents; for man on horse, ten cents (10); for one horse buggy or wagon, twenty-five cents (25); for two-horse wagon, buggy, carriage or other vehicle, forty cents (40); for three or four-horse wagon, fifty cents (50); for five or six-horse wagon, sixty cents (60); for loose hogs or sheep, one cent, per head; for loose cattle or horses, two and a half cents per head. A penalty of five dollars shall be imposed on any person who shall ride over the company's bridge at a pace faster than a walk. When said roads are laid out and established they shall be accepted as such public roads by the Commissioners of Davie and Rowan counties of its respective roads.

Company to prescribe rates of tolls, etc.

Penalty for fast riding.

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

In the General Assembly read three times, and ratified this 7th day of March, A. D. 1901.

#### CHAPTER 262.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF THOMASVILLE, AND TO ESTABLISH GRADED SCHOOLS FOR SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of the town of Thomasville may levy and collect annually the sum of fifty cents on the one hundred dollars worth of property, both real and personal, and the sum of one dollar and fifty cents on each poll. If a less sum is levied in any year the poll-tax shall be reduced in proportion, the constitutional equation between property and poll being always pre-

Board of commissioners may annually levy and collect property and poll-tax

Taxes collected to be used for municipal purposes.

May tax trades, professions, franchises and incomes.

Taxes to be assessed and collected as prescribed for collection of State taxes.

Town collector to collect under rules and regulations prescribed for collection of State and county taxes.

Same person may hold office of town constable, tax-collector and policeman.

Chapter 62 of Code to apply.

May submit question of bond issue for support of graded schools to qualified voters.

Penalties for illegal voting.

If majority vote for graded schools, taxes to be levied and collected.

Proviso.

Bonds not to exceed \$10,000, to run thirty years, may be issued, when.

How bonds signed.

served. The taxes levied and collected under this section shall be used for all municipal purposes. The Board of Commissioners of said town may tax trades, professions, franchises and incomes as authorized and permitted by the Constitution.

SEC. 2. All taxes levied and collected for municipal and school purposes by said town shall be assessed and collected as prescribed by law for the collection of State and county taxes; and the town constable, or Tax-collector of said town, shall collect said taxes under the same rules and regulations as prescribed by law for the collection of State and county taxes by sheriffs and tax-collectors of the several counties of the State under the general law. The same person may hold the office of town constable, tax-collector and policeman of said town, but the Board of Commissioners of said town may appoint a town constable or a tax-collector or one or more policemen for said town.

SEC. 3. Chapter 62 of The Code shall apply to the town of Thomasville, except such portion of said chapter as may be inconsistent with this act.

SEC. 4. The said Board of Commissioners may submit to the qualified voters of said town on the first Monday in May, A. D. 1901, and on the first Monday in May annually thereafter, under such rules and regulations as the said Board of Commissioners may prescribe, the question whether an annual tax shall be levied in said town for the issue of bonds and for the support of graded schools therein. Every qualified voter at any such election may vote a written or printed ballot with the words "For Graded Schools" or "Against Graded Schools" thereon. The penalties for illegal voting at every such election shall be as prescribed by law for the election of members of the General Assembly.

SEC. 5. If a majority of the qualified voters of said town shall vote in favor of "Graded Schools," the taxes to pay said bonds and for said schools shall be levied and collected as prescribed in section two of this act: *Provided*, that the special taxes so levied and collected shall not exceed in any year the sum of one-half of one per cent. on the value of property and one dollar and fifty cents on the poll; and the taxes thus levied and collected shall be applied exclusively for the support of graded schools and for the payment of the principal and interest of the bonds authorized by this act.

SEC. 6. If a majority of the qualified voters of said town shall vote "For Graded Schools" at any such election, bonds to the amount not to exceed ten thousand dollars, running for thirty years, [shall be issued] in such sums as the said Board of Commissioners shall prescribe, not less than one hundred dollars each. The said bonds shall be signed by the Mayor and countersigned by the Clerk, with the seal of said town attached to each bond, and the interest on said bonds shall be at a rate not exceeding five per centum per annum, payable

semi-annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest. At the end of twenty years a sinking fund shall be set apart out of said special taxes amounting to one thousand dollars, for the twenty-first year from the date of issue, for the payment on the principal of said bonds when they become due, and on each year thereafter until the bonds shall become due, one thousand dollars shall be set apart out of said special taxes for payment on the principal of said bonds when they are due or payable. This sinking fund shall be carefully invested and may be used for the purpose of any of said bonds at par, or may be loaned out by said Board of Commissioners on good real estate security at the legal rate of interest.

Sinking fund to be set apart.

Sinking fund to be carefully invested.

SEC. 7. The Board of Commissioners of the town of Thomasville may purchase lands for graded school property and take title to the same in the name of the town of Thomasville, but all such lands shall be held exclusively for the graded schools of said town; and said board may sell said lands when deemed necessary, or may borrow money on the same by mortgage for the benefit of said graded schools.

Board of commissioners may purchase lands for graded school property.

SEC. 8. The Board of Commissioners of said town may appoint a Graded School Committee of five members, to serve as follows: one member shall serve for six years, two members shall serve for four years, and two members shall serve for two years, and until their successors are appointed and qualified.

Commissioners may appoint a graded school committee.

Term of office.

SEC. 9. The Graded School Committee of Thomasville shall be a body politic and corporate, may sue and be sued, may have a common seal and may hold, receive, buy, sell and mortgage real estate for the benefit of said graded schools, with the approval of said Board of Commissioners, and said Graded School Committee shall have the exclusive control and management of the school property and the graded schools of said town.

Graded school committee to be a body politic and corporate

SEC. 10. The principal and teachers of such graded schools may be paid such compensation as the said Graded School Committee shall think proper.

Compensation of principal and teachers.

SEC. 11. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day March, A. D. 1901.

CHAPTER 263.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF EDENTON.

*The General Assembly of North Carolina do enact:*

Edenton graded school district.	SECTION 1. That all of the territory embraced within the corporate limits of the town of Edenton, in Chowan county, shall be and the same is hereby constituted the Edenton Graded School District for white and colored children.
Question of annual tax levy for support of graded schools to be submitted to qualified voters.	SEC. 2. The Board of Commissioners of the town of Edenton are hereby authorized and directed to submit to the qualified voters of said town the question whether an annual tax shall each year hereafter be levied within said town for the support of graded schools for said district, such tax not to exceed twenty-five (25 cents) cents on each one hundred dollars of real and personal property and seventy-five cents on the poll. Said election shall be held on the first Monday in May, 1901, under the same rules and regulations as are now prescribed by law for holding municipal elections in said town. At said election those in favor of the levy of said taxes shall vote a ticket having thereon the words "For Schools," and those opposed shall vote a ticket having thereon the words "Against Schools."
Amount of tax.	
When election held.	
Ballots.	
If tax voted, how levied, collected and disbursed.	SEC. 3. The Board of Councilmen of said town of Edenton shall declare the result of such election, and if at the election so held a majority of the qualified voters of said town of Edenton shall vote in favor of the levy of such taxes the said Board of Councilmen shall so declare and at once proceed to levy a tax for the support of the graded schools within said district, which said tax shall be levied and collected as a special tax and kept separate and apart from the other taxes levied and collected in said town, and paid out by the Treasurer of said town only upon the warrant of the board of trustees of said graded schools.
Tax to be kept apart from other taxes.	
Such taxes to be expended only on warrant of board of trustees.	SEC. 4. That the special taxes so levied and collected and all other funds which may be paid over to the trustees of said graded schools, or to the Treasurer of said town for educational purposes, shall be expended only on the warrants of the said board of trustees in the erection of graded school buildings and in the conduct and operation of graded schools for the education of the children in said town between the ages of six and twenty-one years.
Board of trustees.	SEC. 5. That H. G. Wood, W. M. Bond, J. N. Pruden, H. C. Privet, H. H. Dixon and D. W. Raper be and they are hereby appointed and constituted a board of trustees of and for said graded schools, and they and their successors in office shall have the control and management of said schools. Two of said trustees shall hold their office for two years, two for four years, and two for six years, as
Term of office.	

may be determined by lots among themselves at their first meeting and duly entered on the minutes of their board.

SEC. 6. That all trustees of said graded schools hereafter elected shall hold their office for a period of six years. That at the regular meeting of the Board of Councilmen of the said town of Edenton, in May, 1903, and every two years thereafter the said Board of Councilmen of said town shall elect two trustees in place of those whose terms shall have expired. In case of a vacancy on account of the resignation or death of any trustee, or his removal from the town, the trustees shall elect to fill the unexpired term.

Trustees hereafter elected to hold office six years. Two trustees to be elected in 1903, and every two years thereafter.

SEC. 7. That the said board of trustees shall provide for the procurement of separate school buildings for the use of the white and colored school children of said town, either by erecting new buildings or by leasing from the trustees of the Edenton Academy the academy building for the use of the white children, and by using the school buildings now used by the colored public school for the colored children, or leasing such other buildings for the graded school as to said trustees may seem proper; and the said trustees shall have the right to engage, employ, pay and discharge teachers at any time, fix the [amount] of their compensation and salaries, and have general oversight and control of said school.

Duties and powers of board of trustees.

SEC. 8. That all public school funds which may from time to time be collected under the general school law for general school purposes for the children in said district shall be applied to the keeping up and operation of said graded schools in said district under the order and direction of the trustees of said graded school district: *Provided, however*, that until the graded schools are in full operation in said town the public schools now in operation in said town shall not be suspended or the fund diverted therefrom.

All public school funds to be applied to graded schools.

Proviso.

SEC. 9. That the said board of trustees shall apportion the money raised or received for the purpose of carrying on the graded schools in the town of Edenton, as shall be just to the white and colored races, without discrimination between the races, due regard being paid to the cost of keeping up and maintaining the schools of both races.

Money to be justly apportioned between the two races.

SEC. 10. That all laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 11. That this act shall be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 264.

## AN ACT TO INCORPORATE THE SOUTHERN STATES TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporators.	SECTION 1. That Eli B. Springs, F. G. Stacy, J. E. Bierck, A. B. Bierck, W. C. Carpenter and H. M. Smith, and their associates and successors, are hereby created a body politic and corporate
Corporate name.	under the name and style of Southern States Trust Company, and by said name shall have all franchises, rights and privileges incident to a corporation.
Capital stock.	SEC. 2. The capital stock of the corporation shall be two hundred and fifty thousand (\$250,000) dollars to be divided into shares of the par value of one hundred (\$100) dollars each. The
Corporators may open books of subscription.	corporators named above or any three of them may open books of subscription, and after two hundred (200) shares shall have been subscribed for, the corporators having charge of the subscription list aforesaid may give notice of a meeting of the subscribers to be held at some place in the city of Charlotte, and at some time to be fixed in the notice, and at such time and place the subscribers, or a majority in interest of them, may meet and organize the corporation, and as soon as the sum of twenty thousand (\$20,000) dollars of the capital stock has been paid in the corporation shall have authority to commence business.
When to organize.	SEC. 3. The principal office and place of business of the said corporation shall be in the city of Charlotte, State of North Carolina, and the corporation shall have authority to determine what officers it shall have, and it shall make all needful by-laws, rules and regulations that may be necessary to conduct its business in accordance with the provisions of this act, and it shall have power to make contracts, use a common seal, and sue and be sued in the courts as fully as natural persons, to buy, hold, possess, and convey real and personal and mixed property, and do all lawful acts and doings, and exercise all lawful powers and privileges which a corporate body may do or exercise.
May commence business when \$20,000 of stock has been paid in.	
Principal office, Charlotte, N. C.	SEC. 4. The said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property, or interest therein of any description, situate anywhere; to lend money upon, or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any
May elect necessary officers, make by-laws, etc.	
Corporate powers.	
May do a general banking business.	

crops of produce whatever, and what is known as cash credits, 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 any such loans not exceeding the rate allowed by law.

SEC. 5. That the said corporation may become the owner of the capital stock of other corporations, either by subscription or by purchase, and may by its duly constituted agent cast the vote which the stock owned by it may entitle it to cast in the meetings of such other corporations, and it may do the business of general dealer in stock, shares, notes, bonds, debentures, or other securities of any government, State, municipality, corporation, company, partnership or business; may negotiate or place in behalf of any corporation, company, partnership or person shares, stock, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligations by said company; may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any person or 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. 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, as an investment or otherwise.

May own capital stock of other corporations.

May deal in shares, stocks, municipal securities, etc.

May receive money on deposit for investment.

SEC. 6. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, 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 proper rules and regulations for conducting and carrying into effect the savings bank feature of this corporation.

Shall have all powers and privileges incident to banking institutions.

Board of Directors may adopt necessary rules and regulations.

SEC. 7. The said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman the said company may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman, on his or her receipt or acquittance, or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon, or any part thereof.

May receive deposits of minors and married women, and deal with them in their own name, etc.

May become surety on official bonds.

SEC. 8. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the company to do so.

May act as agent, factor or trustee.

SEC. 9. That said corporation 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, town, municipality, corporation, company or person, bonds, certificates of stock, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on, in and for any of the matters and things authorized by this charter.

May receive money on trust, become executor or administrator, etc.

SEC. 10. That said corporation shall have power to receive money in trust; to become executor or administrator of any 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 or 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.

On application, any court of this State may appoint company guardian, administrator, trustee, etc., and settle with same, as if it was a natural person.

SEC. 11. That in all cases where application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner, or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Southern States Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper, legal and customary charges, cost and expense shall be allowed to said corporation for its services, care and management in the premises, and said corporation as such receiver, trustee, administrator, executor, assignee, commissioner or guardian, shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken, in order for qualification to any of the offices or trusts, above mentioned, may be taken by any

All proper legal and customary charges, cost and expenses to be allowed on settlement.

Proviso.



officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

SEC. 12. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, 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 rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company.

May act as trustee or assignee for any insolvent person, firm or corporation.

May receive money, bonds, stock, plate, etc., for safe keeping.

SEC. 13. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien on the property so stored; make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other product, 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 bearer thereof to the property marked and designated therein, in such 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.

May erect, operate and maintain warehouses or storage depots.

May make advances.

Proviso.

SEC. 14. That the corporation shall have power to increase its capital stock to any amount that a majority in value of its stockholders may deem best: *Provided*, the capital stock shall in no event exceed the sum of one million (\$1,000,000) dollars.

May increase capital stock.

SEC. 15. That this act shall be in full force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 265.

AN ACT TO AMEND CHAPTER 213 OF THE PRIVATE LAWS  
OF 1899.*The General Assembly of North Carolina do enact:*

Section 9, Chapter  
113, Private Laws  
1899, amended.

SECTION 1. That section nine of chapter two hundred and thirteen of the Private Laws of 1899 be amended by striking out the words "and Chief of Police," in line nine of said section.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 266.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALIS-  
BURY AND FOR OTHER PURPOSES.*The General Assembly of North Carolina do enact:*

City Marshal and  
Tax Collector to  
be elected annu-  
ally by Board of  
Aldermen.

May be removed.  
Vacancies filled  
by board.

Compensation of  
City Marshal and  
Tax Collector.

City authorized to  
hold certain real  
estate in fee  
simple.

Exception.

SECTION 1. That the City Marshal and Tax Collector of the city of Salisbury shall hereafter be elected annually by the Board of Aldermen of said city and may be removed at any time by said Board of Aldermen from the office of City Marshal and Tax Collector for cause. All vacancies in said office shall be filled by said board.

SEC. 2. That said City Marshal and Tax Collector shall hereafter receive as compensation for his services in collecting the taxes of said city a sum not exceeding four per centum (4 per centum) of all taxes collected by him, to be retained by him from such collections, when and as often as he may be required to make a settlement thereof with the said Board of Aldermen.

SEC. 3. That the city of Salisbury is the owner and shall be entitled to hold in fee-simple all the real estate mentioned in a deed from William Charton and Richard Vigers, to James Carter and Hugh Foster, trustees of the old town or township of Salisbury, dated February the 11th, 1755, as registered in book number six, page fifty, in the office of the Register of Deeds of Rowan County, except so much of said real estate as may have heretofore been lawfully acquired by purchasers and grantees under deed from said town, township or city, or from the trustees thereof, and except so much of said real estate as the holders

have heretofore acquired good title thereof by the laws of the State, and the statute of limitations shall not run any longer or hereafter against the said city in regard to any real estate mentioned in said deed and claimed by said city as aforesaid.

Statute of limitations not to run against city.

SEC. 4. That all provisions of the charter of the city of Salisbury in conflict with this act are hereby repealed.

Conflicting provisions of charter repealed.

SEC. 5. That it shall be unlawful for any person under the age of twenty-one years to be employed in any bar-room, billiard-room, pool-room, or ten-pin alley run in connection with a bar-room in the city of Salisbury, and that no such minor shall be permitted by any person whatsoever to be an employee, clerk or salesman in any such calling or business in said city, whether for pay or otherwise, and any person violating this section shall be guilty of a misdemeanor.

Unlawful for persons under twenty-one to be employed in any bar-room, pool or billiard-room, etc.

Violation of act a misdemeanor.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 267.

#### AN ACT TO INCORPORATE THE BANK OF YOUNGSVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. B. Perry, G. T. Sikes, J. W. Duke, W. T. Riddick, A. V. Bobbitt, J. S. Timberlake, Claude Cheatham, W. C. Riddick, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and title of "The Bank of Youngsville," with its principal office and general place of business at Youngsville, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court in the State, and have a continual succession for the term of thirty years.

Incorporators.

Corporate name and principal office.

Corporate powers.

SEC. 2. That the capital stock shall not be less than four thousand dollars in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not to exceed twenty-five thousand dollars.

Capital stock.

SEC. 3. That the incorporators named herein or any three of them are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places, and for such periods as they may determine; and the stockholders, or a majority of them, may at any time at any general meeting called after the organization of said corporation at their

May open books of subscription.

discretion re-open books of subscription to said capital stock until the same as herein limited is wholly taken.

When \$4,000  
stock subscribed,  
may organize.

SEC. 4. Whenever four 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 stockholders may elect such directors and so many as they may 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.

Stockholders may  
elect directors.

Directors to elect  
officers.

Corporate powers  
and-privileges.

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 amount 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.

Power to issue  
bank notes.

SEC. 6. That said bank may receive and pay out all lawful currency of its own issue under all rights, power 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 the same by taking in writing a lien or liens upon the crops to be raised, or upon any article or articles then in existence, and shall have power to make loans upon mortgages of real and personal property, with power of sale inserted upon default of payment; said bank shall also have power to receive in storage or warehouse any cotton, tobacco, wheat, corn,

General banking  
powers conferred.

May conduct  
storage ware-  
houses, etc.

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, minors, *femes covert*, upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as allowed by the laws of the State, and may take and receive such interest at the time of making such loan or at such 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.

Power to loan money, receive deposits, etc.

May issue bonds.

SEC. 7. The said bank may purchase and hold property, real, personal or mixed, and such as may be conveyed to it to secure or satisfy any debt due it or for any other purpose, or any sold under 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.

May purchase, hold, sell and convey real and personal property, etc.

SEC. 8. That whenever any deposit shall be made by any minor or *feme covert* to said corporation it may at its discretion pay such minor or *feme covert* such sum or sums as may be required by them from such deposit, and any check, draft, order, receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to discharge the said corporation from any and all liability on account thereof.

Deposits of minors and *femes covert*

SEC. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire amount 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 town of Youngsville 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. 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 endorers payable to said corporation.

May sell stock of delinquent subscribers on recovery in civil action.

Liability of assigned stock.

May act as agent,  
factor, trustee,  
etc.

SEC. 10. That said bank 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 upon, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of any 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 premium, commissions, or rate of compensation as may be agreed upon and which is not prohibited by law.

May receive on  
deposit or storage  
all valuables,  
gold, silver,  
jewels, etc., for  
safe keeping, and  
commissions  
therefor.

SEC. 11. 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 corporations for safe keeping, and shall be entitled to charge such commissions or compensations 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 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.

May accept and  
exercise trusts.

May be executor,  
administrator,  
etc.

May organize  
and conduct a  
savings department.

SEC. 12. Said bank is fully authorized and empowered to organize in connection with its general banking business a department for savings, and to do a general savings bank business for the convenience of small depositors and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable it to receive small deposits in said savings department in any sum or sums as desired in any single case, and may give certificates or other evidences of deposit, and to pay such interest as may be agreed upon, not exceeding the rate allowed by law, and to regulate the time of payment and notice of demand; and the same officers elected by the board of directors for the general business may be also placed in control of the savings department. That such savings department shall in nowise be considered separate and distinct of said corporation, but in all respects a part and parcel thereof and regulated by the provisions of this act; and to the savings department the bank itself shall be liable for their final payment as to its depositors and creditors.

SEC. 13. 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 for debts, etc.

SEC. 14. That the business in the town of Youngsville, North Carolina, known as "The Bank of Youngsville," a general banking business conducted by the incorporators herein mentioned and their associates, shall be deemed and considered as organized under this act and entitled to its provisions whenever the said incorporators shall meet together and accept this act, their acceptance to be noted in the record kept of said meeting, and the said record shall be evidence of the organization of the Bank of Youngsville under the provisions of this act.

"Bank of Youngsville" deemed to be organized under this act.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 268.

#### AN ACT TO AMEND CHAPTER 131, PRIVATE LAWS 1899, AND TO RE-ENACT SAID CHAPTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 5 of chapter 131 of the Private Laws of the State of North Carolina, passed by the General Assembly at its session of 1899, be and the same is hereby amended by striking out the word "two" in line 40 of said section and inserting the word "twelve" in lieu thereof, and further by striking out the word "five" in line 42 of said section (5) five and inserting the word "fifteen" in lieu thereof.

Section 5, chapter 131, Private Laws 1899, amended.

SEC. 2. That said chapter 131 as amended herein and all the provisions thereof are hereby re-enacted and declared to be in full force and effect, and the said City and Suburban Electric Company of Charlotte, North Carolina, is hereby given and declared to have and possess all the powers, franchises and privileges granted it by said chapter 131, together with the further rights and powers hereby granted.

Chapter 131, Private Laws 1899, as amended, re-enacted.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 269.

## AN ACT TO INCORPORATE THE BANK OF BEAUFORT.

*The General Assembly of North Carolina do enact:*

Incorporators.	SECTION 1. That W. S. Chadwick, B. L. Jones & Son, N. W. Taylor, J. W. Gillikin, Miss S. A. Davis, A. Thomas, D. S. Sanders, Charles Hancock, W. T. Gillikin, A. L. Guthrie, W. L. Arrington, and wife, Thomas Duncan, W. P. Davis, A. T. Willis, W. W. Lewis, John A. Springle, R. C. Wright, W. P. Smith, John Farlow, H. Scherr, B. B. Arrington, C. L. Lindsay, 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 Beaufort," and shall so continue for the period of thirty years, with capacity to
Corporate name and existence.	sue and be sued, maintain and defend actions and special proceedings in its corporate name; to take, hold, buy, sell, lease and exchange and convey real and personal estate, and to conduct, transact and carry on in its full scope and import a general banking business with all the powers, rights, privileges and immunities hereby specially granted, and in addition those contained in chapter four, volume two, of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.
Corporate powers and privileges.	
Chapter 4, Vol. 2, of Code, applicable.	
Capital stock.	SEC. 2. That the capital stock of said bank shall be ten thousand dollars, in shares of twenty-five dollars each, with liberty to the stockholders or a majority of them to increase said capital stock from time to time to fifty thousand dollars.
Place of business.	SEC. 3. That the office and place of business of said banking company shall be in the town of Beaufort, State of North Carolina, and its officers shall consist of a president, vice-president, cashier and teller, and a board of not less than five nor more than nine directors, who are to be elected annually by the stockholders; the directors so elected to choose the officers aforesaid and to require the president, the cashier, and the teller each to give bond with approved security for the faithful performance of their respective duties.
Officers.	
How elected.	
Duty and powers of Board of Directors.	SEC. 4. That it shall be the duty of the Board of Directors and they are hereby fully empowered to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business; also, to fix the salaries of its officers and to fill vacancies on the Board of Directors. Said Board of Directors shall be chosen by a majority of the corporators herein named at the first meeting to be called by them, which said Board of Di-



rectors 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 the said company shall have the right to do a general banking business; to receive deposits; to make loans and discounts; to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise, on any lands, hereditaments or personal property or interest therein of any description, situated anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crops or produce whatsoever, or any stock, bullion, merchandise, or other personal property and the same to invest or in anywise dispose of, and to charge any rate of interest on all such loans not exceeding the rate now allowed by law.

Authorized to do a general banking business.

SEC. 6. 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.

Additional rights and privileges.

SEC. 7. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums and at such times and on such terms as the Board of Directors may agree upon, and when married women, minors or apprentices deposit money or other thing of value in said bank, either generally or specially, to their own credit, they or any of them may draw the same out on their check or order, and be bound thereby, and such minor, married woman or apprentice shall be bound by said individual check or order and the said check or order shall be a valid and sufficient release to said corporation against said minors, married women or apprentices and all persons whatever.

May receive money on deposit, etc.

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 on in registering, selling and countersigning, collecting, acquiring, holding, dealing and dis-

May act as agent, factor or trustee.

posing 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.

May receive money in trust, accept and execute trusts, etc.

SEC. 9. That said corporation shall have power to receive money in trust and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this State, and then to execute the same on such terms as may be established and agreed upon by its Board of Directors, and said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive on deposit all funds in litigation in the various courts of this State, and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposits until paid and generally to do and carry on the business of a safety deposit and trust company.

May do a guarantee business.

SEC. 10. That said company is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities, or evidences of indebtedness, of any person, partnership or corporation for any price and on any consideration agreed on.

Invested with powers and privileges incident to savings banks.

SEC. 11. That this company is specially invested with the powers and privileges usually incident to savings banks; may receive deposits in very small sums, the limit to be fixed by the Board of Directors, and may pay interest thereon by way of dividends out of the net earnings or by fixed rates according as may be agreed between the company and its depositors, and the Board of Directors are hereby fully authorized to make all needful by-laws and regulations, for the conducting and carrying into effect the savings bank features of this corporation.

May purchase property sold by it under mortgages, etc.

SEC. 12. 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.

Directors to fix time of annual meeting.

SEC. 13. 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.

SEC. 14. 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. 15. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock except by consent of the directors of said corporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder. Stock transferable.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 270.

### AN ACT TO INCORPORATE THE CITIZENS SAVINGS BANK OF KINSTON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. W. Grainger, J. F. Taylor, D. V. Dixon, D. Oettinger, L. Harvey and L. Einstein, their present and future assistants, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of Citizens Savings Bank, with its place of business at Kinston, North Carolina, and by that name sue and be sued, plead and be impleaded in any court of this State, and shall have a continual succession for the period of thirty (30) years, 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 section six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled "Corporations." Incorporators.  
Corporate name and place of business.  
Corporate rights and duration.  
Code, Chapter 16, applicable.

SEC. 2. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches, and may receive deposits in very Especially invested with power to do a savings bank business.

Directors to make by-laws.	small sums, the limits to be fixed by its Board of Directors, and may pay interest thereon by the way of dividends 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 Directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of this corporation, and shall also have a right to
May do a general banking business.	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 ten thousand (\$10,000) dollars, but may be increased from time to time to fifty thousand (\$50,000) dollars, to be divided into
Proviso.	shares of \$100 each: <i>Provided</i> , that the stockholders shall have the right to organize and commence business whenever ten thousand dollars shall have been paid in as the Board of Directors shall direct. No shareholder shall be individually liable for the
Shareholders not individually liable.	debts of this corporation after they shall have paid in the par value of the shares subscribed for by them.
Officers, how elected.	SEC. 4. The officers of this corporation shall consist of a president, vice-president, cashier and a board of nine directors, said directors are to be elected annually by the stockholders; the directors so elected shall choose the aforesaid officers and shall require the cashier to give a bond with approved security for the
Cashier to give bond.	faithful performance of his duties.
Directors empowered to make necessary rules and regulations and by-laws. To fix salaries and fill vacancies.	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
First Board of Directors, how chosen.	Directors. 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
Term of office.	for one year, and until their successors are duly elected, and a
Quorum.	majority of said board shall constitute a quorum for the transaction of business. Said Board of Directors may adopt and use a
Common seal.	common seal and alter the same at pleasure, appoint all necessary
Directors may appoint and discharge officers.	officers and agents and subscribe 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
Shall publish statement in January and July.	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.
Rights, powers and privileges.	SEC. 6. The said corporation shall have the right to do a general banking business; to receive deposits, make loans and discounts; to obtain and procure loans for any person, company, cor-

poration or copartnership; to invest its own money or 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, 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 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 interest on all such claims.

SEC. 7. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested, in such sums and at such times and such terms as the Board of Directors may agree upon; and if money be deposited by any minor or *feme covert*, either as investment or otherwise, such money may be withdrawn by [said] 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 therefore shall be as binding upon such minor or *feme covert* as though he or she were of full age or unmarried.

May receive moneys on deposit, and invest same for clients.

Duties and privileges as to minors and *femes covert*.

SEC. 8. That said company shall have the right to act as agent, 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.

May act as agent, factor or trustee for any State, county, town, corporation, etc.

SEC. 9. That said corporation shall have power to receive moneys in trust, and shall have power to accept and execute 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, assignee, guardian, administrator, or executor, 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 au-

May receive moneys in trust, accept and execute trusts committed to it by courts, corporations, etc.

May hold personal or real estate in trust and execute the same.

May receive money and valuables for safe keeping, etc.

thority to receive for safe keeping or deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and charge and collect a reasonable compensation for 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 may be 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 7th day of March, A. D. 1901.

#### CHAPTER 271.

#### AN ACT TO INCORPORATE THE BANK OF BENSON.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That J. D. Parrish, J. E. Johnson, E. F. Young, L. J. Best, C. F. Johnson and G. W. Cavanaugh, and their associates and successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Bank of Benson," and by such name may acquire and hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the State, and have a continuous succession of sixty years.

Corporate name, powers and duration.

Capital stock.

May be increased.

SEC. 2. That the capital stock of said corporation shall be ten thousand dollars (\$10,000), which may be increased from time to time to an amount not to exceed fifty thousand dollars (\$50,000) in shares of one hundred dollars (\$100.00) each. Said corporation may commence business when six thousand dollars (\$6,000) of the capital stock shall be paid in.

When to commence business.

Location.

SEC. 3. That the office and banking house of said corporation shall be located in Benson, North Carolina.

Board of Directors.

SEC. 4. That the affairs of the corporation shall be managed by a board of not less than five (5) nor more than nine (9) directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their own number a president

and vice-president, who shall hold for one year and until their successors shall have been duly elected. They shall also elect a cashier and such other clerks and assistants as shall be necessary to the successful operation of business, who shall serve at the pleasure of the board. A majority of the board shall constitute a quorum for the transaction of business, and may fill vacancies occurring in its body till the next annual meeting of the stockholders. It shall be the duty of the Board of Directors and they are hereby fully empowered to make rules, regulations and by-laws for the government of said corporation, and for the conduct of its business, also to fix the salaries of all officers and employees, and to fix the bonds of all such officers and employees as they shall require to give bond.

Term of office and manner of election.

Officers and term of office.  
Cashier and clerks.

Quorum.

Directors to make rules and regulations and fix salaries and bonds.

SEC. 5. That no stock held in this corporation shall be transferred except on the books of the corporation in person or by written power of attorney, and no stock shall be transferred from any one indebted in any way to said corporation without the consent of a majority of the directors in meeting expressed; and the stock of any debtor shall be liable for such debt, and shall be affected with a lien for such indebtedness.

Stock, how transferred.

SEC. 6. That the stockholders of said corporation shall be liable individually and not for each other for any contracts and liabilities of said bank to the amount of their stock therein at its par value in addition to the amount invested in said stock.

Individual liability of stockholders.

SEC. 7. That the president and directors may adopt and use a common seal.

May adopt and use common seal.

SEC. 8. That when married women or minors shall deposit moneys or other things of value in said bank to their own credit, they may withdraw the same on their own order or check and be bound thereby; and such individual check or order of any such minor or married woman shall be an absolute release and discharge of said bank from liability for the same.

Rights of married women and minors.

SEC. 9. That any real estate held by the corporation may be conveyed by deed signed by the president and cashier, and with the corporate seal affixed thereto.

Real estate, how conveyed.

SEC. 10. That in the event any subscriber to the stock of this corporation shall fail to pay for his stock or any part of it heretofore or hereafter subscribed, the amount so due on said stock may be recovered by the directors in a civil action, or the directors may sell such stock at public sale to the highest bidder for cash at the banking house of the corporation after giving thirty days' notice by advertisement in some newspaper published in the county, and apply the proceeds of such sale to the discharge of balance due on stock after first paying all costs and expenses of sale, and any balance then shall be paid to the owner of said stock. If the proceeds be insufficient to pay balance due, then such balance may be recovered in a civil action.

Arrears of stock subscription of stockholder, how collected.



Former acts of board ratified and validated.

SEC. 11. That subscriptions already made or that may be made to the stock of the Bank of Benson, the election of directors, officers and employees had, and other acts done or that may be done before the granting of this charter, for and in the name of said bank, not inconsistent with said charter are hereby expressly ratified, confirmed and made valid and binding in all respects as if they had been done after the charter is granted.

Authorized to receive valuables on deposit for safe keeping.

SEC. 12. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious stones and metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title and all other things of value which may be left on deposit with said company, for safe keeping, and shall be entitled to charge such compensation as may be agreed upon.

Authorized to accept and exercise any trust committed to it.

SEC. 13. That said corporation is hereby authorized and empowered to accept and exercise any trust of any description which may by its consent be committed or transferred to it by any person or persons, by any bodies politic or corporate, public or private, and to accept the office of executor, administrator, collector, guardian or assignee wherever such appointment is made or conferred by any person or court of this State, or of any other State or the United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals are in the same capacity.

Rights to insure or guarantee the payment of dividends, bonds, etc.

SEC. 14. That said company is hereby given the right to insure or guarantee the payment of any dividend, bond, note or undertaking, mortgage or other security or evidence of indebtedness of any person, partnership, or corporation, for any price and for any consideration agreed on.

Invested with powers and privileges incident to savings banks.

SEC. 15. That this corporation is specially invested with the powers and privileges usually incident to savings banks, and may receive small sums, the minimum to be fixed by the board of directors, and may pay interest thereon by way of dividends at rates fixed by the directors, and the said Board of Directors are hereby fully authorized and empowered to make all needful by-laws and regulations for conducting and carrying into effect the savings bank feature of this corporation.

May bid for and purchase any property it may cause to be sold for lien or debt.

SEC. 16. That when this corporation shall cause to be sold any property of its debtors on which it holds a lien to secure a debt, or when such property shall be sold for its benefit, the corporation may bid for and purchase any and all such property, and its title thereto when so acquired shall be valid and binding in all respects: *Provided*, the mortgagor's equity of redemption shall not be prejudiced hereby.

Proviso.

May issue bank notes, etc., deal in exchange, gold and silver coin, bonds and other securities.

SEC. 17. That said bank may receive and pay out all lawful currency of its own issue under all rights, powers and authorities, and under such regulations as may be imposed by the laws of this State and the United States as to circulation by State



banks; may deal in exchange, gold and silver coin, current and uncurrent papers, public, municipal and other securities; may loan money secured by lien on crop growing or to be grown, or upon any other article 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 in default of payment; to receive any product of agriculture or any article of manufacture in storage as a pledge for the payment of money loaned with power of sale under same regulations as under chattel mortgage. Said bank may discount notes or other evidences of debt, buy or sell or otherwise deal in all commercial paper of every kind, loan money and receive deposits of the same from any and all persons upon such terms and manner, and time of collection, and payment as may be agreed upon, and may charge such rate of interest as is allowed by the laws of the State, and may take and receive such interest at the time of making such loan, or at such other times as may be agreed upon; that said bank may conduct, transact and carry on in its full scope and import a general banking business with all the powers, rights, privileges and immunities hereby specially granted, and in addition those contained in chapter four (4), volume two (2), of The Code, entitled "Banks," and all such laws as may in the future be enacted relative to banks.

May loan money secured by crop liens, etc.

May discount notes, etc.

May have all powers, privileges, etc., contained in Chapter 4, Vol. 2, of Code.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 272.

### AN ACT TO EXTEND THE TIME OF ORGANIZATION UNDER CHARTER OF WINSTON-SALEM TRUST AND DEPOSIT COMPANY AND TO AMEND SAID CHARTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time for organizing under the charter heretofore granted to Winston-Salem Trust and Deposit Company (chapter 42 of the Private Laws of North Carolina, session of 1899) be and the same is hereby extended two years from the ratification of this act.

Chapter 42, Private Acts 1899, amended.

Time extended two years.

SEC. 2. That the said charter be amended by striking out in line eleven (11) of section two (2) the words "one thousand" and inserting in lieu thereof the words "two hundred and fifty,"

Charter further amended.

## Section 12.

and that said charter be further amended by striking from section twelve (12) all of the remainder of said section twelve (12) appearing after the words "the custody or protection of property stored with it" in line forty-four of said section twelve (12), being the part of said section referring to bonds of suretyship.

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

In the General Assembly read three times, and ratified this 7th day of March, A. D. 1901.

## CHAPTER 273.

## AN ACT TO INCORPORATE THE SOUTHPORT, WILMINGTON AND DURHAM RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

## Corporators.

SECTION 1. That William A. Guthrie, William B. Guthrie and Thos. L. Peay of Durham, North Carolina, and their associates, successors and assigns, be and they are hereby made and declared to be a body politic and corporate, by the name and style of the

## Corporate name.

"Southport, Wilmington and Durham Railroad Company" for the purposes herein declared, for the purposes of locating, constructing, equipping, maintaining and operating a railroad for the

## Purpose.

## Where to operate.

transportation of freights and passengers from the city of Durham in the county of Durham, via Sanford in the county of Moore, Fayetteville in the county of Cumberland, and Wilmington in the county of New Hanover, to Southport in the county of Brunswick, by the route deemed most practicable through the intervening counties between said termini, Durham and Southport.

## Powers and privileges.

SEC. 2. That the said railroad company may build its road by such route as may be deemed most advantageous and expedient between said termini with the privilege of constructing and operating branch roads not exceeding thirty (30) miles in length; and in constructing and operating said railroads and branch roads, said company shall have all the rights and privileges granted to it with respect to the main line; and in the construction of its main line and branches it shall have all the powers granted in The Code of North Carolina, volume 1, chapter forty-nine, entitled: "Railroad and Telegraph Companies."

Code, Vol. 1,  
Chapter 49.

## Optional to construct with president and board.

SEC. 3. That the said company is hereby authorized to construct and operate, at its option, one or more lines of telegraph or telephone along its main line and branches, and to charge

and collect such remuneration for messages or dispatches as the president and board of directors may determine; and the said company may connect said lines of telegraph or telephones with the lines of any other company of this or adjoining States upon such terms and conditions as may be agreed upon, and said company may lease, sell or rent this right to or from any other telegraph or telephone company as in the judgment of the president and directors of said company may be deemed most advantageous to said company: *Provided*, that said company shall be subject to all the provisions of law in relation to rates and tariffs to be charged for dispatches and messages along its said lines.

Proviso.

SEC. 4. That said company shall have the right to cross at grade over or under, intersect, join or unite its railway or railroad with any railroad now built or constructed within this State at any point or points on its main line or branches, with the necessary turn-outs, sidings, switches, and other conveniences in furtherance of the objects of its construction.

Rights of company in constructing their lines.

SEC. 5. That said company shall have the power to lease or sell, merge or consolidate, any railroad that may be constructed by it, with its franchises, to any other railroad company, directly or directly connected with it in North Carolina, and any other such railroad company shall have the power to lease or buy from said company any such railroad that may be constructed by it, with its franchises, and merge and consolidate the same as may be agreed on between the respective companies.

Power to lease, sell, etc.

SEC. 6. That said company is hereby authorized and empowered to consolidate or merge its capital stock, estate, real, personal and mixed, franchises, privileges and property, or any portion thereof, with those of any other railroad company or companies, chartered by and organized under the laws of this or any adjoining State, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be consolidated or merged shall and may form a continuous line of railroad with each other, and the said consolidation or merger may be effected by its directors in such manner, and on such terms and conditions, and under such name and style as a majority of the stockholders may determine or approve, and such other company or companies are hereby authorized to consolidate or merge with this company upon the same terms and conditions, and such consolidated or merged company shall or may have the rights, powers, privileges and franchises for its entire length, as to such portion of said railroad as may be merged or consolidated, which each of the companies so consolidated or merged may have prior to such merger or consolidation.

Power to consolidate.

Majority of stockholders to decide.

When to begin work.

SEC. 7. That the said company may begin work on any part of its line or branches, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company; that it may under such purchase, lease, agreement or running arrangements as it may or can make with any other railroad company operate any road as a link between different portions of its own line, or permit any other railroad company upon such terms as may be agreed on to operate any part of its own line.

Capital stock.

Privilege to increase.

Denomination of shares.

SEC. 8. That the capital stock of the said company shall be five thousand (\$5,000.00) dollars, with the privilege of increasing the same from time to time, or at any time, to a sum not exceeding five hundred thousand (\$500,000) dollars, and may be issued in preferred or common stock, or both, in shares of one hundred (\$100.00) dollars each. The capital stock may be subscribed and paid for by subscription on the part of individuals or other corporations in money, lands, or other property as may be agreed upon between the president and directors of the company and the subscribers.

Power to open subscription books.

SEC. 9. That the persons above named in the first section of this act, or a majority of them, or a majority of such of their number and those associated with them hereafter, as they or a majority of them may designate, shall constitute a board of commissioners to open books of subscription at such times and at such places as they may see fit for subscription to the capital stock of said company, and when five thousand (\$5,000.00) dollars shall have been subscribed, and ten per centum thereof paid in, the commissioners above named shall call the subscribers together in such manner and at such time and place as they may deem proper to protect the organization of said railroad company, and the organization of the railroad company shall be perfected by the election of a board of directors and such other officers as the company may desire, in such manner as the stockholders shall determine.

Upon subscription of a certain amount subscribers to meet.

Organization, how perfected.

President and directors to require payment.

SEC. 10. That the president and directors shall have power and authority to require payment from the stockholders whose subscriptions are payable in money on their respective shares from time to time, as the wants of the company may demand, until the whole of their respective subscriptions shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one (1) month after the same shall have been required of him, it shall and may be lawful for the president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholders so failing or refusing, giving one (1) month's previous notice of the

Upon refusal to pay stock, subscription.

time and place of sale in one or more newspapers published in this State, and after retaining the sum due and all charges of the sale out of the proceeds thereof, convey the surplus over to the delinquent owner, or his legal representative, and if the sale shall not produce the sum required to be advanced with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber, or his assignee, or executor, or administrator, or either of them, at the option of the said company by civil action in any court having jurisdiction thereof. Any purchaser of stock under any such sale by the president and directors shall be subject to the same rules and regulations as the original owner or subscriber.

Sale of said delinquent stock.

Purchaser of delinquent stock.

SEC. 11. That when any right of way may be required of the company for the construction of its main line and its branches, and for want of agreement, or for any other cause, it cannot be purchased from the owner, title to the same may be acquired by condemnation proceedings as is provided in chapter forty-nine of The Code of North Carolina and the amendments thereto, to the extent of fifty (50) feet on each side of the track of said railroad and its branches, measuring from the center of the track; and the company shall have power to appropriate and condemn land in like manner for the building and erecting thereon of its telegraph and telephone lines, depots, warehouses, shops, houses for employees.

Eminent domain.

Chapter 49, Code.

SEC. 12. That the said company shall have power to acquire and hold such lands for rights-of-way, depots, repair shops, warehouses, wharves, docks, elevators, coal-chutes, and terminal facilities of every sort as may be deemed necessary for its corporate purposes in the city of Durham, in the town of Fayetteville, in the city of Wilmington, and in the town of Southport, and in any other town or city along its proposed route; and especially have the right and power to acquire such lands, easements, rights and privileges as may be necessary, and to erect on any such lands it may acquire along the Cape Fear River in the city of Fayetteville, Wilmington and Southport, or between said cities, piers, wharves, coal-docks, coal elevators, coal-chutes, grain elevators, warehouses, and other needful structures and appliances for the purpose of receiving, storing and forwarding foreign imported goods and merchandise of all sorts, and for receiving, storing, forwarding and shipping grain, coal, lumber, naval stores, cotton and other kinds of merchandise for domestic consumption or for export to foreign countries; and to erect such other terminal structures as it may deem proper to erect for its corporate purposes, and to have the right to charge such reasonable rates for the use of any such property as it may deem reasonable and proper and consistent with law, under such rules

Power to acquire and hold property in certain places.

For what purpose to be used

Power to charge rates.

Power to own  
steamers, etc.

and regulations relating thereto as may be prescribed by law, or under the authority of the general laws of this State, applicable thereto; and it shall have authority to build, purchase, lease, charter, hold or connect with ocean steamers or vessels, river steamers, or vessels, barges or boats, as it may desire to run or use the same to and from Southport, or any point or points along the route of its proposed line, or on any water or watercourses connected with the railroad or its branches to be constructed by this company as aforesaid.

Power to connect  
with or subscribe  
to capital stock  
of other com-  
panies.

SEC. 13. That the said company shall have the power to connect with, subscribe to the capital stock of and hold the same in any railroad company, steamship company, or transportation company, or any other company or corporation that has been already organized, or that may hereafter be organized, for transportation purposes, and may sell, mortgage, lease, consolidate or merge any part or the whole of its main line, or branches, to and with any other railroad company, steamship company, or transportation company, and shall have the right to sell, mortgage, lease, consolidate or merge, to and with any other company, corporation or individual, any part of its franchises and property, or the whole thereof, and the company or person leasing or purchasing the same shall take the same with all the franchises herein granted, or appurtenant thereto, and shall thereafter manage and use the same under its own corporate name, or individual name as the case may be.

To build lines and  
lateral branches,  
where.

SEC. 14. That said company may build its road and lateral branches across the Cape Fear river and other rivers and streams along its route, and may acquire in the manner prescribed by law and the regulations of proper legal authority, the right to build bridges over and across all navigable streams and canals along its route, and in constructing and operating such lateral branches, said company shall have all the rights and privileges granted to it with respect to the main line; and in constructing and operating its telegraph and telephone lines hereinbefore provided for, it shall have all powers granted to such companies in the Code of North Carolina, volume one, chapter forty-nine, entitled, "Railroads and Telegraph Companies," and by the acts of the General Assembly of North Carolina amendatory thereof.

Chapter 49, Vol. 1,  
Code.

Right to sue, be  
sued, etc.

SEC. 15. That the said company shall have the right to sue and be sued, plead and be impleaded in all courts; to have a common seal, to have the right to make and pass all such by-laws, rules and regulations for its government as may be deemed necessary and expedient for that purpose, not inconsistent with the laws of the State of North Carolina and the laws of the United States; and this company shall have all the rights and

privileges possessed and enjoyed by other railroad companies under the laws of the State of North Carolina, and such as are specially conferred by chapter forty-nine, volume one, of The Code of North Carolina, and the acts of the General Assembly amendatory thereof, and shall also be subject to all the restrictions and limitations, rules and regulations, applicable to railroads, telegraph and telephone companies in this State. Chapter 49, Vol. 1, Code.

SEC. 16. That the principal place of business of this company shall be at Southport, in the State of North Carolina, with power to establish branch offices and agencies elsewhere as may be determined by the board of directors. Principal office.

SEC. 17. That annual meetings and special meetings of the stockholders of the company shall be held at such times in the city of Southport, N. C., or elsewhere within the State of North Carolina, as may be provided in the by-laws when adopted. That in all stockholders' meetings each share of stock shall be entitled to one vote, to be cast either in person or by duly authorized proxy. The board of directors may hold their meetings in Southport, N. C., or elsewhere within the State of North Carolina, or in the city of Philadelphia, State of Pennsylvania, as may be found most convenient. Annual meetings.  
Manner of voting.

SEC. 18. That any railroad or transportation company incorporated in this or any other State, unless prohibited by law from so doing, may subscribe for, and purchase and own the stock or bonus, or both, of this company, or may guarantee or endorse the same, or may purchase, lease or use the rights, property or franchises of this company for so long a time and upon such terms as shall be mutually agreed upon between the contracting parties. This company may subscribe for, or purchase and own the stock or bonds, or both, of any other railroad company, steamboat company, or transportation company, and may guarantee or indorse such bonds or stocks, or may purchase, use or lease the railroad, steamboat or transportation property and franchises of any such company on such terms and for such time as may be agreed upon between the contracting parties: *Provided*, that railroads or transportation lines of the contracting companies shall be connected, directly or indirectly, by means of intermediate railroads or transportation lines. Power of other companies to own stock in this company.  
Contractive power.

SEC. 19. That this company is hereby authorized to borrow money for the uses and purposes of the company to such extent, and at such lawful rate of interest as a majority of the stockholders may authorize and determine, and issue therefor its bonds in such manner and form as may be determined by the president and board of directors, and to secure the payment of such bonds by a deed or deeds of trust or mortgage upon the whole or any portion of the property and franchises of the com- Power to borrow money and issue bonds.

pany as they may direct or approve, and the company is authorized to sell its bonds when, where, and at such rates and prices as the president and board of directors may deem most advantageous to the company.

Not liable personally.

SEC. 20. That the stockholders in said company, whether private citizens or other corporations, shall not be personally liable for the debts of said company, except to the amount only of the unpaid stock in said company held or subscribed for by them respectively.

Charter to become null, when.

SEC. 21. That unless work shall be commenced under this charter within two (2) years after the ratification of this act, then this charter shall become null and void.

SEC. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 7th day of March, A. D. 1901.

#### CHAPTER 274.

#### AN ACT TO INCORPORATE THE BANK OF DAVIE.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That W. J. Byerly, T. J. Byerly and John F. Byerly, and their future associates, successors and assigns, be and the same are hereby created a body politic and corporate under the

Corporate name.

name of the "Bank of Davie," and shall so continue for fifty

Duration.

years, and shall have power to sue and be sued, contract and be

Powers and privileges.

contracted with, have a common seal, and enjoy all the rights and privileges necessary and incident to carrying on a general banking business.

Capital stock.

SEC. 2. That the capital stock of said bank shall be five thousand dollars divided into shares of fifty dollars each, but the stockholders of said bank shall have the privilege of increasing said capital stock from time to time not exceeding fifty thousand dollars.

Privilege to increase.

Powers and privileges.

SEC. 3. That the said corporation shall have power to receive and disburse the lawful currency of the country, deal in notes, stocks and bonds and other securities, borrow and lend money, receive deposits of money, securities, or valuable personal property of any kind. May charge for the use of money loaned the highest rate of interest allowed by law, and shall have the right to retain said interest at the time of making the loan, to take real and personal property as security for money loaned and



to buy any property conveyed to it to secure money loaned or advanced, and do any and all acts, and enjoy all the liberties, immunities and privileges enjoyed by and conferred upon any bank chartered under the laws of North Carolina.

SEC. 4. The said bank shall have power to buy, sell, lease, hold and exchange, and encumber by mortgage, or otherwise, real and personal property with all the rights and privileges connected therewith. Powers and privileges continued.

SEC. 5. That as soon as five thousand dollars shall be paid in, in cash, the said bank shall have the right to enter upon and perform all the privileges and duties granted and contemplated by this chapter. When to begin operations.

SEC. 6. The stockholders in said bank may elect as many directors as they see fit, not less than five, to manage and control the affairs of said bank, and the said board of directors shall annually elect a president, vice-president and cashier of said bank whose duties and privileges shall be prescribed by the laws of the corporation. Directors  
Officers.

SEC. 7. That the said corporation shall have power through and by its board of directors to enact such rules, regulations and by-laws for the government of the corporation as in the judgment of the said directors may seem proper and just: *Provided*, the same be not inconsistent with the laws of this State or the United States. Board of Directors, powers of.

SEC. 8. That when a deposit of any kind is made in said bank by or in the name of a minor or married woman then the check or order of such minor, or married woman shall be full protection to said bank in paying out said deposit. Deposits by married women, minors, etc.

SEC. 9. That the place of business of said bank shall be in the town of Mocksville, North Carolina. Place of business.

SEC. 10. This corporation shall exist and be in force and effect from and after the ratification of this act. Duration.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 275.

### AN ACT TO INCORPORATE THE ROWLAND LUMBER COMPANY OF FAISON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Samuel G. Rowland, S. P. Ryland, jr., George W. Jones and W. T. Dortch, together with their associates and successors, be and they are hereby created and constituted a body corporate under the name of "Rowland Lumber Company," and Corporate name.

Powers and privileges.	by that name may sue and be sued, plead and be impleaded in any court in North Carolina; shall have and use a common seal and alter the same at pleasure, and have all the rights and privileges, and be subject to all the regulations and restrictions now existing and applicable to such corporations under the laws of this State.
Power to hold lands and manufacture timber.	SEC. 2. That said corporation may hold and sell lands and timber of all kinds, and manufacture said timber into shingles, staves, laths and other articles of manufacture; also buy and sell standing timber and logs, and hold all kinds of personal property, and may build railways and tramroads or other roads useful and necessary for the purpose of carrying and transporting said timber, logs and other products of manufacture to the saw-mills of said incorporation, also a store conducting general merchandise business; also may own and operate any steam or tug boats, sail boats, barges or flats for the purpose of transporting timber, logs, lumber and any product of manufacture to said saw-mills, and carrying the lumber and other articles of manufacture from said saw-mills to market; also said company shall have the right to own and purchase real estate.
General merchandise business. Operate boats.	SEC. 3. That the said corporation is hereby authorized to make, constitute, keep, maintain and operate said lines of railways or tramways, with all necessary side-tracks, branches, switches, sidings, etc., in the counties of Wayne, Duplin, Sampson, Johnston and Harnett in North Carolina, through, along, over and across any portion of the said counties to any point or points in said counties, and erect such depots, stables, offices, shops, etc., as may be necessary and proper for conducting the business of said railway or tramroads.
Power to operate railways, tramways, etc.	SEC. 4. That whenever any land may be required for the purpose of constructing or operating said line or lines of railway or tramroads, or of operating the same and all its branches and necessary buildings, etc., it shall have the power to condemn the same under the existing laws of the State of North Carolina.
What counties affected.	SEC. 5. That the capital stock of the company shall be one hundred thousand dollars divided into shares of the par value of one hundred dollars each, with power in the said company to increase the said stock to the amount of five hundred thousand dollars including the one hundred thousand dollars fixed by these articles. That no personal or individual liabilities for the debts, contracts, obligations, agreements or torts of the said company shall be imposed upon the above-named parties or upon any subsequent holders of the stock of the said company, or upon any subsequent subscribers of the capital stock, but the liabilities of the stockholders shall be limited and confined to the value of the stock held in the said company. That the said shares of stock
Eminent domain.	
Capital stock.	
Shares.	
Power to increase.	
Individual liability precluded.	

shall be authenticated in such manner as the by-laws of the company shall prescribe. Shares, how authenticated.

SEC. 6. That the officers of the said company shall be a president, vice-president, secretary, treasurer and general manager. That the said officers shall be elected in such manner, and for such time, and shall receive such compensation as the by-laws shall prescribe. Officers.

SEC. 7. That the principal office of said company shall be kept at Goldsboro, Wayne County, North Carolina, with the privilege of placing branch offices at such points in this State as it may deem necessary; that special meetings of the stockholders and directors may be held at Goldsboro, New York, Norfolk and Baltimore upon such notice as shall be fixed by the by-laws; and said corporation shall continue for a period of thirty years. Principal office. Branch offices. Duration.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 276.

### AN ACT TO INCORPORATE THE TOWN OF SWANN STATION IN THE COUNTIES OF MOORE AND HARNETT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Swann Station, lying partly in the county of Moore and partly in the county of Harnett, be and the same is hereby incorporated by the name and style of "The Town of Swann Station" and shall be subject to all the provisions of chapter 62, volume 2, of The Code. Location. Corporate name. Chapter 62, Vol. 2, Code.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Beginning at a point in the center of the railroad track leading from Sanford to Fayetteville, one-half mile in a southerly direction as the said track runs, from the center of the present depot at Swann Station, runs thence east three-fourths of a mile, thence north one mile, thence west one and one-fourth mile, thence south one mile, thence to the beginning. Corporate limits. Calls.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a constable, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred and one, or until their successors are elected and qualified, viz: William Woodall, mayor; J. M. Monroe, A. C. Womack and N. C. McFadyen, commissioners, and D. H. Morris, constable. Officers, mode of choosing.

Duties of officers.

SEC. 4. That it shall be the duty of the persons appointed to office by this act to meet and take and subscribe to the oath required by law of such officers, before some Justice of the Peace duly commissioned to act as such in and for either the county of Moore or the county of Harnett, and the same shall be done within thirty days of the ratification of this act.

Town constable  
to give bond.

SEC. 5. That the constable, before entering upon the discharge of his duties, shall execute a bond with two sufficient sureties, or in a bonding company, as the law provides, in the sum of two hundred dollars, conditioned as the law prescribes, which bond shall be subject to the approval of the Board of Commissioners.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 277.

#### AN ACT FOR THE RELIEF OF J. N. RUSSELL AND OTHERS, STOCK LAW FENCE COMMITTEE.

*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. That whereas J. N. Russell, J. A. Maxwell and G. W. Love were duly appointed a fence committee to erect a fence around Hooper's Creek and Devil Fork stock law territory in Henderson County, and as such committee caused to be levied and collected a tax upon the taxable property within the said boundary to pay for erecting and maintaining a fence around same: And, whereas, afterward about the year 1898 the entire county was placed under the provisions of the stock law, rendering no longer necessary to maintain said fence around said section: And whereas, there remains about sixty-five dollars in the county treasury belonging to said stock law section: and, whereas, the fence committee are desirous of lawfully disposing of the said sum remaining unexpended: therefore the county treasurer of Henderson be and is hereby authorized and directed to pay over the said sum, after paying any fees or charges that may be due said fence committee, to the public school fund.

Duties of School  
Supervisors.

SEC. 2. The supervisors of schools for Henderson County shall apportion said money to the several public schools within the boundary of the said Hooper's Creek and Devil Fork stock law

section according to the assessment of property in each of said public school districts.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### CHAPTER 278.

### AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTEEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine, section four, be and is hereby amended by adding at the end of section four the following: "That the said aldermen so elected shall be paid for their services in attending the regular monthly meetings of the board the sum of two dollars for each regular meeting: *Provided*, that any alderman failing to be present at the time of calling the board to order, or failing to remain present until adjournment, shall have no pay for his attendance at such meetings as he so fails to be present for such time."

Chapter 115, Private Acts 1899, amended.

SEC. 2. That chapter one hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine, section ten, be and is hereby amended as follows: By striking out in line two of section ten just after the word "mayor" and before the word "tax-collector" the word "and" and by striking out just after the second "and" in the same line and before the words "a treasurer" in the same line the words "shall select," and by striking out in said section the first three words in the third line, to-wit, "from their number," so that said section ten shall read: "That the board shall also proceed to elect, from outside their number, a mayor, a tax-collector, and a treasurer, each of whom shall be a qualified elector in said town and shall serve one year," and so on the remainder of said section as it now reads.

Chapter 115, Private Acts 1899, amended.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 279.

## AN ACT TO AMEND THE CHARTER OF MOUNT AIRY.

*The General Assembly of North Carolina do enact:*

- Section 1, Chapter 107, Private Acts 1895, repealed.  
Two wards. SECTION 1. That section first of charter 107 of the Private Acts of 1895, be and the same is hereby repealed, and that the following be inserted in lieu thereof: "That there shall be two wards instead of four in the town of Mount Airy, and in each of which wards there shall be elected two town commissioners, and one town commissioner shall be voted for and elected by both wards by a popular vote. That the territory now embraced in wards one and two shall, under the provisions of this act, constitute ward one, and the territory embraced in wards three and four shall constitute ward two. That the voting precinct in ward one shall be at the town hall, and the voting precinct in ward two shall be in R. L. Gilmer's store.
- Two commissioners. SEC. 2. That all registered voters in wards one and two as they now exist, unless otherwise disqualified, shall be entitled to vote in ward one as provided for under this act without re-registration, and all registered voters in wards three and four shall be entitled to vote in ward two, unless otherwise disqualified, without re-registration.
- Wards, how defined. SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Who to vote. SEC. 4. That this act shall be in force from and after its ratification.
- Conflicting laws repealed. In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 280.

## AN ACT TO INCORPORATE THE LADIES' AID SOCIETY OF THE M. E. CHURCH, SOUTH, OF MURFREESBORO, HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

- Corporators. SECTION 1. That Ellen O. Harrell, Elizabeth Pruden Laurence, Mollie Britt, Sue S. Laurence, C. M. Rice, Bettie V. Barnes, Nellie V. Winborne, Fannie E. Vaughan, Gertrude H. Vaughan, Elizabeth J. Welser, Ella L. Jester, Minnie M. Hicks, Norma I. Deans, Nettie C. Hill and Betty Evans, and their associates and successors, be and they are hereby created a body politic to be known by the

name and style "The Ladies' Aid Society of the Methodist Church, Corporate name, South, of Murfreesboro, North Carolina," and by such title shall have perpetual succession and shall have all rights, powers, privileges, and subject to all liabilities as other religious societies and organizations under the laws of this State. That said society may purchase, own and possess real estate not exceeding in value fifteen hundred dollars (\$1,500) and may own and possess real property in fee which may be donated and given to said society directly or conveyed in trust for it." Powers and privileges.

SEC. 2. That said society may adopt such rules and regulations for its management, and make such by-laws, and create such officers as it may deem proper, and alter or change them at their pleasure. Rules and regulations.

SEC. 3. That the property of said society shall be exempt from all taxation. Exempt from tax.

SEC. 4. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

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#### CHAPTER 281.

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO PAY MATTHEW FERRELL CLAIM OF \$22.35.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Mecklenburg County be and they are hereby authorized and empowered to order and cause to be paid to Matthew Ferrell out of the general fund of the county of Mecklenburg the sum of twenty-two dollars and thirty-five cents for expenses incurred by him in taking Booker Prnette, an insane person, to the State Hospital at Morganton. Commissioners to pay certain claim.

SEC. 2. That when the said Board of Commissioners shall order said claim and sum of \$22.35 paid, the Treasurer of Mecklenburg County shall and is hereby authorized and directed to pay to said Matthew Ferrell the sum of twenty-two dollars and thirty-five cents in full settlement of his said claim.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 282.

AN ACT TO AMEND THE CHARTER OF THE CITY OF  
RALEIGH.*The General Assembly of North Carolina do enact:*

Chapter 153, Private Laws 1899, amended.

SECTION 1. That chapter 153 of the Private Laws of 1899 (being the charter of the city of Raleigh) be amended as follows: In section 1 thereof, by adding after the word "cemetery" in line 47, the following: "and that tract of land conveyed to the city by D. M. Carter and wife by deed, dated November 7th, 1900, as recorded in Book 162 at page 162 in the office of the Register of Deeds for Wake County, and that tract of land conveyed to the city by Laura Carter by deed, dated November 7th, 1900, as recorded in Book 161 at page 406, said Register of Deeds office for Wake County, which tracts of land are owned by the city for the purpose of maintaining a garbage farm and as a site for the small-pox hospital.

Section 33 amended.

In section 33, by inserting after the word "fine" in line 5, the word "imprisonment."

Section 34 amended.

In section 34, by adding at the end of that section the following: "They shall have power to make such annual appropriations towards the maintenance of any free and circulating public library or libraries in the city, other than the State libraries, as in their discretion may be proper."

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 283.

AN ACT TO INCORPORATE THE ATLANTIC AND NORTH-  
WESTERN RAILWAY AND MINING COMPANY.*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That H. L. Fox, Chas. S. Bryan, Nathan O'Berry, H. A. Weil, L. Harvey, J. W. Grainger, R. S. Travis, C. B. Barbee, A. D. Ward, C. E. Foy and James A. Bryan, and such persons as may be associated with them, their successors and assigns, be and they are created a body politic and corporate under the name and style of "The Atlantic and North-Western Railway and Min-

Corporate name.



ing Company," which shall have perpetual succession, and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal and change the same at pleasure, and be capable of taking and holding by purchase, gift and devise, or in any other manner, real and personal property, and of leasing, selling or conveying the same, or dealing with the same in any manner; and said corporation shall have and enjoy all privileges, rights and immunities which corporate bodies may lawfully exercise, and make all necessary by-laws for its government, or which its directors may deem proper and expedient, not inconsistent with law.

Powers and  
privileges.

SEC. 2. That the capital stock of said corporation shall be one million (\$1,000,000) dollars divided into shares of one hundred (\$100) dollars each, with power and authority to the directors of said company to increase the same at any time to an amount not exceeding fifteen million (\$15,000,000) dollars. Subscriptions to the capital stock may be made by individuals, corporations, counties, cities, towns or townships, and said subscriptions may be paid in money, labor, materials, lands, stocks, bonds, or other securities, or in any other way that may be agreed upon between the company and the subscribers, and the company may receive donations of any kind of property or of labor.

Capital stock.  
Shares.

Privilege to  
increase.

Donations.

SEC. 3. That the incorporators or any two of them, in person or by attorney, shall have the power to open books of subscription to the capital stock of said company at such times and places as they may deem best, and keep the same open as long as they may deem expedient, that whenever the sum of one hundred thousand dollars has been subscribed to the capital stock of said company, the incorporators may, when they deem proper, after ten days' notice by mail to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State, and such subscribers shall then complete the organization of the corporation by electing a board of not less than three nor more than fifteen directors, and at such meeting, and at all meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said shares or by proxy verified as the by-laws adopted may prescribe, and at all stockholders' meetings a majority of the stock subscribed shall constitute a quorum, and said stockholders shall adopt by-laws prescribing for the government of said corporation; and the board of directors so elected shall meet at such time and place, either in or out of the State as may be agreed upon, and elect from their number a president and such other officers as the by-laws may prescribe, or that they may deem necessary, and may do and perform all other acts that

Power to open  
books.

Notice.  
First meeting.

Directors.  
Stock, how  
voted.

By-laws.

they may deem necessary to carry into effect the object of this charter.

Power to construct and operate.

SEC. 4. That said company shall have the right to construct and is hereby authorized and empowered to construct, operate and maintain a railroad, with one or more tracks, standard gauge or otherwise, by such route as may be deemed most advantageous and expedient, from any point in either of the counties of Wayne, Lenoir or Craven, to any point on the Norfolk and Western Railroad in the State of Virginia, and it may also construct, maintain and operate such lateral branch lines, not exceeding twenty-five miles in length, as may be necessary or advantageous to the extension, completion or successful operation of said railroad; and may also construct, maintain and operate telegraph and telephone lines along the route of said road. Said company may use either electricity or steam as motive power upon its said railroad,

Location.

Eminent domain.

and may condemn and hold during its corporate existence all lands within one hundred feet of the center of the track of said company on either side, and may purchase and hold such other tracts of land as may be needed by said company for railroad purposes, or to increase the amount of freight shipped over its road; and said company shall have power and authority to construct dams, culverts, trestles and bridges over and across all streams, valleys and depressions within the line of its road, and to cross at, over, or under grade, any other railroad within this State, or to intersect, join or unite its railroad with any other railroad constructed in this State at any point in its route, and to build all necessary turnouts, sidings, switches and other conveniences required for the successful operation of said road.

Right to enter lands of another.

SEC. 5. That it shall be lawful for any officer or agent, surveyor or engineer, or other employee of said company, to enter upon the lands of any person for the purpose of exploring, leveling, or doing anything necessary or proper to be done for surveying and laying out said railroad and locating the same, and upon the location and construction of said road or any part thereof, if no agreement with the owners of the land through which the road shall be constructed can be made by the company, the land on either side of the center of the track for a distance of one hundred feet shall be vested in said company, and the proceedings for the condemnation of said land and for the recovery by the owners for the value thereof, shall be the same as are provided by the general laws of this State for the condemnation of lands by and for the use of railroad companies.

Road-bed and track.

Power to engage in general railroad business.

SEC. 6. That said company shall have the right to transport and carry passengers and freight over and along its said line and branches, and mails and express matter, and to charge such fares and tolls for the same as may be prescribed by the board

of directors not inconsistent with law, and to do any and all things necessary or expedient for the proper management of said company as usually exercised or performed by railroad companies, and to purchase and hold stock in any other railroad or transportation company, express company, telegraph or telephone company or other corporation; or may purchase or lease the same and operate the same on contract with such company or corporation for the transportation of passengers or freight.

SEC. 7. In addition to the power heretofore enumerated, the said company is authorized— Additional powers.

(1) To construct, purchase, own and maintain telegraph and telephone lines, and lines of wires, conduits, subways and other convenient appliances for the transmission of electricity and other forces, fluids, powers, energies and currents, and to charge, receive and collect reasonable tolls from the public for the use of the same.

(2) To build and maintain any dam or dams across the Roanoke River, or any of its tributaries, or any other stream along the line of its railroad, for the purpose of utilizing water-power, and to build, maintain and operate bridges, power plants, mills, canals, aqueducts, waterways, wasteways, wells and reservoirs necessary and needful for its plants, mills, factories or other works or business, and to construct, maintain and operate, above or under ground, wires, pipes, conduits, conductors, poles or rods for the purpose of transmitting water, electricity or other power to any city or town in the State.

(3) To purchase, acquire, lease, rent, own, hold, improve, mortgage and sell real and personal property and all interest therein or incident thereto for any of the purposes of this act.

(4) To make, lease and sell light, heat, gas, electricity, power, goods and products of every kind and material.

(5) To have, hold, use, exercise and enjoy all powers, immunities, rights, franchises and privileges which may be conferred upon corporations by the laws of this State, whether herein specifically enumerated or not.

SEC. 8. That said company shall have power to lease, purchase or otherwise acquire lands or mineral or surface rights therein or thereon and to work the same for the extraction of coal, iron, petroleum, natural gas, gypsum and other minerals and products, and to market such mineral, coal, iron and other products, and erect other works for the manufacture or production of iron and steel, and generally to carry on the business of producers of and dealers in ore, coal, charcoal, iron, petroleum, gas, gypsum and other productions incident to such a business, and for all such purposes to acquire and from time to time to dispose of or sell such lands, and for the purchase of lands and other property, Power to lease or purchase certain property.

and for services rendered may issue any part of the capital stock in payment thereof.

Power to maintain a street railway.

SEC. 9. The said company shall be authorized to establish, conduct and maintain a system or systems of street railways, light and power company, to locate, buy, lease, erect, operate, own or sell or otherwise acquire and dispose of lines of street railways and plants, works or other necessary equipment for the generation of electricity, gas or other materials or fluids, and supply the same for public or private use, for light, power and heat, within any village, town or city within any of the counties of this State through which its railroad shall be built, and over the bridges across any river, creek or stream within any such villages, towns or cities. The said company may locate, equip, maintain and operate its line or lines of street railway, poles, wires, subways, conduits, pipes, mains and other fixtures and appliances necessary for the proper, full and convenient carrying on of the business of said company, in, over and along the roads, streets, avenues and other public highways in the aforesaid counties, villages, towns and cities, subject only to the consent or authorization thereof of the authorities of any county, village, town or city where those rights are exercised.

Power to invest in other corporations.

SEC. 10. The said company may acquire by lease, purchase, subscription to or purchase of the capital stock, or otherwise, the works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, of other like companies chartered under the laws of this or other States, and may own, buy, sell, lease, use, operate, maintain and extend the same, and power is hereby conferred upon other like companies chartered under the laws of this or other States to transfer by sale or lease all their works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, to the company hereby incorporated or to unite and consolidate with it upon such terms as may be agreed upon between them. It may purchase or otherwise acquire and hold the stock and bonds of any other company or corporation chartered under the laws of this or other States, and it may acquire and hold by purchase, lease, or in any manner the plant, works or other property of any company, firm or individual now engaged in a similar business, and may likewise acquire and hold, or afterwards sell any other property necessary to the conduct of the business of said company hereby incorporated, and may make payment for such railways, plants, works, franchises, rights or other property, in money or by issuing its bonds, notes or stock therefor.

Power of other corporations to own stock in this company.

SEC. 11. It shall be lawful for any corporation or company, and they are hereby empowered, to subscribe for, purchase or otherwise acquire and hold, or guarantee the stock or bonds of

the said company hereby incorporated, and the said company hereby incorporated may sell, lease or convey its property, privileges and franchises to any other such company.

SEC. 12. It shall be lawful for said company and it is hereby authorized and empowered to borrow money, make, execute, issue and sell or negotiate its bonds from time to time for such time and on such terms and for such price as its board of directors may deem expedient and proper, for any of the purposes of said company and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts, rights, franchises and privileges, including its right to be a corporation, and it may, as the business of the company shall require, sell, lease, convey and encumber the same. The said company shall have the right to lend or otherwise invest its accumulated funds or surplus to purchase or own the stock or bonds of any other company or corporation, and to sell or otherwise dispose of the same at its pleasure.

Power to regulate loans.

Issue bonds.

Right to invest.

SEC. 13. Any person who shall unlawfully injure or destroy any meter, pipe, conduit, wire, post, lamp or other apparatus belonging to the company hereby incorporated, or shall unlawfully prevent any electric or gas meter from duly registering the quantity of electricity or gas supplied, or in any way unlawfully interfere with its proper action or just registration, or who shall without the consent of the said company divert any electric current from any wire of said company, or who shall unlawfully use or cause to be used without the consent of said company any electricity or gas manufactured or distributed by the said company, or any portion of the water-power owned by said company, shall on conviction thereof be deemed guilty of a misdemeanor, and fined or imprisoned within the discretion of the Court.

Unlawful to injure property of said corporation.

Misdemeanor.

Penalty.

SEC. 14. The motormen, conductors, drivers and other agents and servants of said company, while in the active service of said company or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privilege which belongs to the similar officers and agents of the railroad companies in this State, and in addition to the general powers conferred upon such agents and officers they may eject and remove from any of the cars, carriages or coaches of said company any person or persons who fail or refuse to pay their fare according to the rules and regulations of said company, and they, the said officers and agents, may eject and remove all drunken, profane or disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid

Powers of employees.

or not, and the said company shall not be liable or responsible in damages or otherwise therefor, and such agent or officer shall not be liable civilly or criminally therefor, unless he use greater force than is necessary to eject such person.

May change  
its name.

SEC. 15. The said company may change its name whenever the holders of two-thirds of the stock of the company shall so determine at any general meeting or special meeting called for that purpose, certificate of which change shall be filed in the Secretary of State's office, with the signatures of the president and secretary and the seal of the company thereto affixed.

No individual  
liability.

SEC. 16. The stockholders in the company hereby incorporated shall not be individually responsible for any debt or other liability of the said company further than to the extent of any amount that shall be unpaid by such stockholder upon the stock in said company to which he has subscribed.

Municipal and  
quasi corpora-  
tions may sub-  
scribe to stock.

Manner.

SEC. 17. That any county, city or town or township along the line of said railroad or any of its branches, or at any terminal point of said road or any of its branches, may subscribe to the capital stock of said company in the following manner: Upon the presentation in writing, signed by at least one-fourth of the freeholders in said county, city, town or township, to the Board of Commissioners of said county or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, township, city or town where said petitioners may reside, a proposition to subscribe a definite sum named in said petition to the capital stock of said company. The Board of Commissioners of said county, or the proper authorities of said city or town, shall within thirty days after the filing of said petition order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription shall vote a ballot on which shall be written or printed the words, "For Subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words, "Against Subscription," and the election for that purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of county officers by the general election laws of the State of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, and the returns thereof shall be made to the Board of Commissioners of the county or the proper authorities of such city or town, and if a majority of the qualified voters vote for subscription, then the Board of Commissioners of said county, or the

Election to be  
held.

Style of ballot.

Rules governing.

proper authorities of said city or town shall immediately make such subscription, and may pay for the same in cash, or may issue coupon bonds to the amount of said subscription in order to pay for the same, and said bonds shall, upon their face, indicate on account of what county or township or city or town they are issued. Said bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars each, and shall run for twenty years, and bear interest at five per centum per annum payable semi-annually.

To issue bonds.

Denomination of bonds.  
Date of maturity.  
Interest.

SEC. 18. That in case a subscription is made to said company by any county, township, city or town in North Carolina, as herein prescribed, it shall be the duty of the Board of Commissioners of said county, or the proper authorities of said city or town, to obtain the necessary authority, if bonds are issued, to levy a special tax sufficient to meet the interest charges, if necessary, and to provide a sinking fund with which to pay off and discharge the principal of said bonds, from the General Assembly at its session held next after the making of said subscription.

Duty of Board of Commissioners.

Special tax.

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

## CHAPTER 284.

## AN ACT TO INCORPORATE THE MARION, BURNSVILLE AND BAKERSVILLE TURNPIKE COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of constructing a turnpike road from Marion, McDowell County, to Burnsville, Yancey County, and to Bakersville, Mitchell County, by way of Spruce Pine in said Mitchell County, North Carolina, the formation of a corporation with a capital stock not exceeding fifty thousand dollars, to be styled "The Marion, Burnsville and Bakersville Turnpike Company," is hereby authorized.

Purposes

Capital stock.  
Name.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Marion, Burnsville and Bakersville, under the direction of any three of the following-named persons: G. D. Ray, W. B. Banks, J. R. Neill, J. E. Burleson, C. F. Baker, James Phillips, A. Blanton, Jno. Yancey and M. F. Morpew.

Subscription books, how, where and when opened.

By whom opened.

Denomination of shares.	SEC. 3. That the capital stock of said association shall be divided into shares of ten dollars each, and whenever two hundred of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates and their successors are hereby declared to be a
When a body politic.	body politic and incorporate by the name and style of "The Marion, Burnsville and Bakersville Turnpike Company" with all the
Powers and privileges.	rights, powers and privileges incident or belonging to corporations as set forth or referred to in the chapter of The Code of North Carolina entitled "Corporations."
First meeting of stockholders.	SEC. 4. So soon as two hundred shares of the capital stock of said corporation shall be subscribed for it shall be lawful for any three of the persons hereinafter named to call a general meeting
Notice.	of such subscribers by notifying each one in writing at least two days prior to such meeting, and such subscribers at such meeting
Directors, how chosen.	shall elect from among themselves a Board of Directors of not less than nine, and the directors to be chosen at such meeting and at the subsequent annual meetings of the stockholders as they may
By-laws.	be fixed by the laws of said corporation, shall elect one of their
President to be elected.	number president of the corporation. They may adopt all such
By-laws.	by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such laws shall be regulated and done as the Board of Directors shall from time to time order and direct.
Subscriptions, how paid.	SEC. 5. That the Board of Directors may require payment of subscriptions to the capital stock of said corporation to be made in such installments as they may think proper, and in case any
Notice.	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 at 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 after applying the proceeds of the sale as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount remaining unpaid.
Eminent domain.	SEC. 6. That whenever any lands may be required for said
	turnpike, either for a roadway or for toll houses, or other appurtenances thereto, and an agreement can not be made with the owner or owners of such lands, the company or owners may, in
Modus operandi.	writing, apply to the Clerk of the Superior Court of McDowell, Yancey or Mitchell County to cause the damage 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 for the county wherein the land lay; if either party or both shall fail to appoint after five days' notice of the



application to the Clerk, then the Clerk shall appoint instead. The referees so appointed, being duly notified by the Clerk, shall, being first duly sworn by some person authorized to administer oaths, to act impartially, lay off a right of way forty feet in width, or less, as the company may elect, and also, if required by the company, shall lay off a suitable site or sites for a toll house, and assess the damages, if any, to the owners of the land, taking into consideration any benefits or advantages to accrue to such owner from the making of such road, and return their award in writing within ten days to said Clerk, and such award or such referees, or any two of them, when returned, shall become a judgment of the Superior Court of said county, on which execution may issue as on other judgments of the Superior Court, if the amount is not paid by said company within ten days after notice of such return. If either party is dissatisfied with the award of the referees, they may appeal to the Superior Court as in other cases of appeal. So soon, however, as an award is returned by a majority of such referees as aforesaid, whether there is an appeal or not, the company may enter upon the lands referred to in such award and use them for erecting such turnpike road or erecting toll houses, as the case may be.

Sec. 7. That upon application by the president and Board of Directors of said company, accompanied by a certificate, that two hundred shares of the capital stock of said company of the par value of ten dollars each have been *bona fide* subscribed for by solvent parties, the Board of Directors of North Carolina State Prison or Penitentiary shall detail fifty (50) convicts to be worked upon the road or highway to be constructed by said company until completed, under the charge of sufficient guards and a Superintendent or Supervisor to be selected by said Board of Directors of the North Carolina State Prison or Penitentiary and subject to the said Board of Directors and to the Prison rules and regulations adopted or prescribed by said board as far as practicable, the said convicts to be furnished with necessary quarters and tools and implements with which to work on said road or highway and transported to and from said highway and fed, clothed and maintained by said Board of Directors of the State Prison until the grading of said road or highway shall have been completed, the payment of such expenses to be made out of funds appropriated for the support of the Penitentiary or out of moneys or assets otherwise coming or belonging to or standing to the credit of said North Carolina State Prison, and whenever and as often as so much as one thousand dollars shall have been expended by the said Board of Directors of the said State Prison under the provisions of this act it shall be entitled to demand and receive and said company shall deliver and issue to the said

Upon stock being subscribed properly, fifty convicts to be secured.

Convicts, how fed, clothed and worked.

One hundred shares to be paid to State's Prison.

Shares, how rated.

Proviso (1).

Proviso (2).

Commissioners of McDowell, Yancey and Mitchell counties to control said road.

Power to purchase shares, etc.

Board of Directors a certificate for one hundred shares of the capital stock of said company of the par value of ten dollars each made out in the name of the State of North Carolina, which shall become thereby a stockholder in said company to the extent of such shares and shall be entitled to participate in the profits of said company *pro rata* with other stockholders and to be represented and to vote its shares in all meetings of the stockholders, in the same manner as other stockholders may be entitled to vote, through proxy to be named or appointed by the Governor of the State of North Carolina: *Provided*, that if at the completion of the said road a fractional part of one thousand dollars shall have been expended by the said Directors of the State Prison after the issue of the last certificate for one hundred shares of stock a corresponding amount of said capital stock, at its par value, shall be issued and delivered as aforesaid: *And provided further*, that upon delivery of said certificates of stock, so issued, to the State Treasurer, credit shall be given to the said Board of Directors of the North Carolina State Prison upon the books of the said State Treasurer for the par value of the shares of stock represented by such certificates.

SEC. 8. That whenever the Board of County Commissioners of McDowell, Yancey and Mitchell counties or either of them shall decide or determine to make the road or highway constructed by said Turnpike Company a public highway for the free use of the public or to maintain, control and prescribe the rates of toll over the same, such Board of Commissioners of said counties, or either of them, shall have power and they are hereby authorized to purchase the shares of the capital stock held and owned by the State of North Carolina and by private stockholders at a price not exceeding the par value thereof and upon payment or tender of payment of said par value to the State Treasurer by said Board of Commissioners of said county or either of them, it shall be the duty of the said State Treasurer to transfer and deliver the certificates representing said shares of stock to the Board or Boards of Commissioners making or tendering such payment, and upon payment or tender of payment by said Boards of County Commissioners or either of them to the private holder of any shares of said stock, or an amount equal to the par value thereof, it shall be the duty of such holder to transfer and deliver the certificate or certificates representing the share or shares of stock to such Board or Boards of Commissioners making or tendering such payment, and in case of a refusal of such tender by such holder the Board or Boards of such County Commissioners may pay to the Treasurer of such company for the use and benefit of such holder an amount of money equal to the par value of his shares of stock and the Board or Boards of County Commissioners mak-

ing such payment shall thereupon become the owner or owners of such shares of stock and shall be entitled to represent and vote the same in any meeting of the stockholders of the company. And to enable the said counties of McDowell, Yancey and Mitchell, or either of them, to make such purchase of the said capital stock of said company for the purpose of declaring said road to be a public highway for the free use of the public, the Board of County Commissioners of either of said counties shall be and it is hereby authorized to issue the coupon bonds of said county to an amount necessary to purchase the said stock or any part thereof at not exceeding its par value, said bond to bear such rate of interest, not exceeding five per cent per annum, and to be of such denomination and to mature at such date or dates as said Board of County Commissioners may determine; and to provide for the payment of interest on said bonds, and the principal thereof at maturity, said Board of County Commissioners shall annually at the time of levying other county taxes, levy a special tax sufficient to pay said interest and provide a sinking fund for the payment of bonds at maturity. Said taxes shall be collected as other county taxes are collected, and shall be applied solely to the purposes to which they are levied.

When to be a  
free highway.

Special tax to  
be levied.  
Sinking fund.

SEC. 9. That the said company shall not issue any shares of preferred stock, whereby the holders thereof shall have any preference, either in the earnings or property of said company, over the State of North Carolina, so long as it may be a stockholder; and shall execute no mortgage upon its property or franchises or earnings, unless out of the proceeds thereof the shares of stock held by the State of North Carolina shall be purchased, paid off or redeemed at their par value.

No preferred  
stock to issue.

No mortgages,  
etc.

SEC. 10. That said company shall be authorized to demand, receive and receive from all persons using the road, such compensation, no greater than the following fare toll at each of three places, one in each county, on said turnpike. For four-horse or four-ox team, forty (40) cents each way; two-horse or two-ox teams twenty-five (25) cents, each way; two-horse buggy or hack, thirty-five (35) cents; one-horse buggy, twenty-five (25) cents; one-horse wagon, fifteen (15) cents; horse and rider, ten (10) cents; loose horses, five (5) cents each; cattle, five (5) cents each; sheep, three (3) cents each; swine, three (3) cents each. Any person who shall use any part of said road without paying the fare and toll due and payable for such use, and demanded by any officer or agent of said company at the established toll gate, shall be guilty of a misdemeanor, and on conviction before any Justice of the Peace of the county of McDowell, Yancey or Mitchell, 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

Toll rate.

A misdemeanor.

Penalty.

with the cost of the proceeding against him, shall he imprisoned by the Justice of the Peace before whom the case shall have been tried, no 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 the County Treasurer, for the benefit of the school fund.

Directors to erect toll gates, etc.

SEC. 11. That said company is hereby authorized to erect a toll-gate across said turnpike, at one or more convenient places, in each of the counties herein named, as the Board of Directors may select after the said turnpike shall have been completed, and at such place may demand, receive and recover the fare or toll authorized in this act.

Disposition of tolls collected.

SEC. 12. That the fare or toll received for the use of said road shall be expended in keeping the toll houses, and in keeping the said road in good repair, or so much thereof as may be necessary, and after an amount sufficient to keep said toll houses, and said road in good repair has been expended, the residue, if any, shall be declared a dividend for the benefit of the stockholders as herein above provided.

Repair of road.

Residue.

Injury to corporate property, criminal and also civil liability incurred.

SEC. 13. Any person who shall in any manner injure or obstruct the road of said company or any bridge, toll-gate or toll house connected therewith, besides being liable for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court.

Non-liability of stockholders.

SEC. 14. That the stockholders shall not be individually liable for the debts of the corporation beyond the amount of the stock held by each.

State Highway Commission to oversee.

SEC. 15. That the location and construction and specifications of this turnpike shall be subject to the approval of the State Highway Commission.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

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#### CHAPTER 285.

#### AN ACT TO CHANGE STATE GRANT No. 479.

*The General Assembly of North Carolina do enact:*

State grant No. 479.

SECTION 1. That State Grant number four hundred and seventy-nine (479), issued to James Bradshaw, on the 12th day of August, 1854, in Yancey County, be and the same is hereby corrected so as to read on the east side of South Toe River, instead of on the

Corrected by change in boundary.

west side of South Toe River: *Provided*, this act shall not be construed to in any way effect any rights that may have accrued since the issuance of the said grant.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 286.

### AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-ONE OF THE PRIVATE ACTS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and forty-one of the Private Acts of one thousand eight hundred and ninety-nine, entitled "An act to incorporate the North Wilkesboro-Boone Turnpike Company," be and the same is hereby amended as follows: Chapter 241, Private Acts of 1899, relative to incorporation of North Wilkesboro-Boone Turnpike Company, amended.

(1) By changing the title of said act so that it shall read as follows: "An act to incorporate the Wilkesboro and Jefferson Turnpike Company." Change of corporate name.

(2) By striking out all of section one of said chapter and inserting in lieu thereof as section one the following: "That for the purpose of constructing a turnpike road from Wilkesboro, in Wilkes County, by way of North Wilkesboro, in said county, to Jefferson, in Ashe County, the formation of a corporation with a capital not exceeding fifty thousand dollars to be styled 'The Wilkesboro and Jefferson Turnpike Company,' is hereby authorized." Section 1 amended.

(3) By striking out the word "North" wherever it occurs in said chapter preceding the word "Wilkesboro" and by substituting for the word "Boone" wherever it occurs in said chapter the word "Jefferson," and by substituting for the word "Watauga" wherever it occurs in said chapter the word "Ashe." Certain words stricken out and others substituted.

(4) By striking out the names "L. E. Davis, L. Church, W. L. Hendrix, E. F. Lovill and J. C. Horton" in section two of said chapter and inserting in lieu thereof the following names, to-wit: "J. L. Hemphill, J. L. Whittington, W. M. Transon and J. E. Foster." Names of incorporators changed.

(5) By striking out so much of section eight of said chapter as is included between the word "Wilkesboro" in line two of said section and the word "route" in line six of said section, and insert-

ing in lieu thereof the words "for a distance of six miles in the direction of Jefferson, or any."

Sections 13, 14 and 15 added.

(6) That said chapter two hundred and forty-one of the Private Acts of 1899, be and the same is hereby further amended by adding the following sections, to be known and numbered as sections 13, 14 and 15, to-wit:

Section 13, relative to employment of State convicts.

"SEC. 13. That upon application by the president and Board of Directors of said company accompanied by a certificate that two hundred shares of the capital stock of said company of the par value of ten dollars each have been *bona fide* subscribed for by solvent parties, the Board of Directors of North Carolina State Prison or Penitentiary may in their discretion detail fifty (50) convicts to be worked upon the road or highway to be constructed by said company until completed, under the charge of sufficient guards and a Superintendent or Supervisor to be selected by said Board of Directors of the North Carolina State Prison or Penitentiary, and subject to the said Board of Directors, and to the Prison rules and regulations adopted or prescribed by said board as far as practicable, the said convicts to be furnished with necessary quarters and tools and implements with which to work on said road or highway, and transported to and from said highways, and the railway companies are hereby permitted to transport said convicts and guards without charge, and fed, clothed and maintained by said Board of Directors of the said State Prison until the grading of said road or highway shall have been completed, the payment of such expenses to be made out of funds appropriated for the support of the Penitentiary or out of moneys or assets otherwise coming or belonging to or standing to the credit of said North Carolina State Prison, and whenever and as often as so much as one thousand dollars shall have been expended by the said Board of Directors of the said State Prison under the provisions of this act, it shall be entitled to demand and receive and said company shall issue and deliver to the said Board of Directors a certificate for one hundred shares of the capital stock of said company of the par value of ten dollars each made out in the name of the State of North Carolina, which shall become thereby a stockholder in said company to the extent of such shares, and shall be entitled to participate in the profits of said company *pro rata* with other stockholders, and to be represented and to vote its shares in all meetings of the stockholders, in the same manner as other stockholders may be entitled to vote, through a proxy to be named or appointed by the Governor of the State of North Carolina: *Provided*, that if at the completion of the said road a fractional part of one thousand dollars shall have been expended by the said directors of the State Prison after the issue of the last certificate for one hundred shares of

Proviso, as to issuance of stock to Board of Directors of Penitentiary for extra amount expended by them.

stock a corresponding amount of said capital stock, at its par value, shall be issued and delivered as aforesaid: *And provided further*, that upon delivery of said certificates of stock, so issued, to the State Treasurer, credit shall be given to the said Board of Directors of the North Carolina State Prison upon the books of the said State Treasurer for the par value of the shares of stock represented by such certificates."

"SEC. 14. That whenever the Board of County Commissioners of Wilkes and Ashe counties, or either of them, shall decide or determine to make the road or highway constructed by said Turnpike Company a public highway for the free use of the public or to maintain, control and prescribe the rates of tolls over the same, such Boards of Commissioners of said counties, or either of them, shall have power and they are hereby authorized to purchase the shares of the capital stock held and owned by the State of North Carolina, and by private stockholders at a price not exceeding the par value thereof, and upon payment or tender of payment of said par value to the State Treasurer by said Boards of Commissioners of said county, or either of them, it shall be the duty of the said State Treasurer to transfer and deliver the certificates representing said shares of stock to the Board or Boards of Commissioners making or tendering such payments; and upon payment or tender of payment by said Boards of County Commissioners, or either of them, to the private holder of any shares of said stock of an amount equal to the par value thereof, it shall be the duty of such holder to transfer and deliver the certificate or certificates representing the share or shares of stock to such Board or Boards of Commissioners making or tendering such payment, and in case of a refusal of such tender by such holder, the Board or Boards of such County Commissioners may pay to the treasurer of such company for the use and benefit of such holder an amount of money equal to the par value of his shares of stock, and the Board or Boards of County Commissioners making such payment shall thereupon become the owner or owners of such shares of stock and shall be entitled to represent and vote the same in any meeting of the stockholders of the said company. And to enable the said counties of Wilkes and Ashe, or either of them, to make such purchase of the said capital stock of said company for the purpose of declaring said road to be a public highway for the free use of the public, the Board of County Commissioners of either of said counties shall be, and it is hereby authorized to issue the coupon bonds of said county to an amount necessary to purchase the said stock or any part thereof at not exceeding its par value, said bonds to bear such rate of interest, not exceeding five per cent per annum, and to be of such denomination, and to mature at such date or dates as said Board of County Commis-

Section 14: provisions for purchase of stock by Wilkes and Ashe counties.

sioners may determine; and to provide for the payment of interest on said bonds, and the principal thereof at maturity, said Board of County Commissioners shall annually at the time of levying other county taxes levy a special tax sufficient to pay said interest and provide a sinking fund for the payment of said bonds at maturity; said taxes shall be collected as other county taxes are collected, and shall be applied solely to the purposes to which they are levied."

Section 15; company to issue preferred stock or give mortgages on property.

"SEC. 15. That the said company shall not issue any shares of preferred stock whereby the holders thereof shall have any preference, either in the earnings or property of said company, over the State of North Carolina, so long as it may be a stockholder, and shall execute no mortgage upon its property or franchises or earnings unless out of the proceeds thereof the shares of stock held by the State of North Carolina shall be purchased, paid off or redeemed at their par value."

Number of Section 12 changed to 16.

SEC. 3. That the number of section twelve of said chapter of two hundred and forty-one, shall be and is hereby changed to sixteen.

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

In the General Assembly read three times, and ratified this the 19th day of March, A. D. 1901.

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#### CHAPTER 287.

### AN ACT TO AUTHORIZE THE CITY OF SALISBURY TO ISSUE BONDS FOR STREET IMPROVEMENT.

*The General Assembly of North Carolina do enact:*

Issuance of bonds, amount of, purpose of.

SECTION 1. That the Board of Aldermen of the city of Salisbury is hereby authorized and empowered to issue coupon bonds in the name of said city, in such denominations and in such amounts as the said Board of Aldermen may determine: *Provided*, the whole amount issued shall not exceed the sum of ninety thousand dollars (\$90,000), with which to macadamize, grade and improve the sidewalks of said city and the streets thereof.

Bonds, when and where payable, and maturity of.

SEC. 2. That bonds shall be made payable at such place and time as may be determined upon by the said Board of Aldermen, but the time of payment of principal of said bonds shall be fixed at not less than twenty-five nor more than forty years.

Interest, rate of, when payable; bonds to be sold

SEC. 3. That said bonds shall draw interest at the rate of not more than five per cent per annum; the interest shall be paid



annually, and said bonds shall in no case be disposed of or sold for less than their par value, and the money arising from said sale shall be used only for the purpose of improving the streets as specified in the first section of this act.

SEC. 4. That said bonds shall not be issued until authorized by a majority of the qualified voters of said city at a public election held on the first Monday in May, 1901, or at any other time the said Board of Aldermen may order, at which election those favoring the issue of said bonds shall vote "For Issue of Bonds," and those opposing it shall vote "Against Issue of Bonds." It shall be the duty of said Board of Aldermen to give notice of time and place, and purpose of said election, for thirty days in some newspaper published in the city of Salisbury; that said election shall be held in like manner and under the same rules and regulations, so far as the same are pertinent and applicable, as are prescribed for regular elections in said city.

SEC. 5. And if a majority of the qualified voters of said city shall vote to issue said bonds, then the Board of Aldermen shall issue said bonds, and they shall be signed by the Mayor, attested by the Treasurer of the city, and sealed with the corporate seal of the city; and the coupons thereon shall be received in payment of city taxes.

SEC. 6. That for the purpose of providing a sinking fund for the payment of the principal of said bonds, and also the coupons as they shall become due, it shall be the duty of the said Board of Aldermen and they are hereby empowered so to do, to levy and collect a sufficient tax each and every year upon all subjects of taxation, which may be now, and which may hereafter be embraced in the subjects of taxation mentioned in the charter of said city, not exceeding one-fourth of one per cent on property and seventy-five cents on the poll, which taxes so collected shall be used for no other purpose and shall be kept separate from all other taxes, and it shall be the duty of the City Treasurer to cancel the coupons when said coupons are paid off and taken up and he shall report annually the amount and manner of coupons so cancelled.

SEC. 7. If a majority of the qualified voters of the city shall not at said election vote in favor of the issue of bonds herein provided for, the Board of Aldermen may again of their own motion submit the same question to the qualified voters of the city at the next regular election for city officers on the first Monday of May, 1902, or at any other time the said Board of Aldermen may order, after giving the same notice and upon the same terms as is required for the first election. And if a majority of the qualified voters shall be in favor of the issue of bonds, then this act and all of its provisions shall be and remain in full force, and the Board of Aldermen shall carry out the provisions of this act.

at par; disposal of proceeds of sale.

Question of bond issue to be submitted to qualified voters; when and how

Election, notice of; how held.

Bonds, when issued and how signed and sealed.

Special tax levy to provide for sinking fund and for payment of interest.

Second election, when called, etc.

Engineer, duties  
and compensa-  
tion of.

SEC. 8. It is further provided that the grading, macadamizing and improving the streets and sidewalks shall be made and done under the direction and supervision of a competent engineer. And the said Board of Aldermen shall employ a competent engineer for this purpose and pay him such a salary for his services as shall be agreed upon by him and the Board of Aldermen.

Advisory Board,  
names of, duties  
of.

SEC. 9. That A. Parker, D. M. Miller, Kerr Craig, and E. B. Neave are hereby constituted an Advisory Board to the Board of Aldermen in the expending of the money, and in the event the persons named decline to serve the Board of Aldermen may appoint others.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

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#### CHAPTER 288.

#### AN ACT TO INCORPORATE THE HALIFAX AND NORTH-AMPTON DEVELOPMENT COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Walter E. Daniel, Richard W. Brown and James M. Mullen, or such of them as may accept the provisions of this act, together with all other persons and corporations as become stockholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name and style of the "Halifax and Northampton Development 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 and renew at its pleasure; shall have perpetual succession and shall have and enjoy all the powers, immunities, liabilities and franchises pertaining to corporate bodies and necessary for the purpose of this act.

Name, powers  
and existence.

General business  
powers.

SEC. 2. The said company shall be and it is hereby empowered and authorized to promote, establish, conduct and maintain the business of a general street railway, light and power company; to locate, buy, lease, erect, establish, equip, maintain, operate, own or sell or otherwise acquire and dispose of a line or lines of street railway or railways, and a plant or plants, works or other necessary equipment for the generation of electricity, gas or other materials or fluids, and supply the same for public or

private use, for light, power and heat, within the limits of the counties of Halifax and Northampton, either or both of them as the same are now or may hereafter be laid off, as may be determined upon from time to time by said company, and within the limits of any village, town or city in said counties, and over the bridges across any river, creek or stream within said counties, villages, towns, and cities. The said company may locate, lay, erect, equip, maintain, construct and operate its line or lines of street railway and its poles, wires, subways, conduits, pipes, mains and other fixtures and appliances necessary for the proper, full and convenient carrying on of the business of said company, and in, over and along the roads, streets, avenues, lanes, alleys and other public highways in the said counties, villages, towns and cities, subject only to the consent or authorization thereof of the authorities of any county, village, town or city where those rights are exercised.

SEC. 3. And the said company hereby incorporate, in addition to its other rights and privileges, shall have the right, and is hereby authorized and empowered to erect, build and equip plants, works, mills and factories for the manufacture and sale of artificial ice, and of all the various products made from both animal and vegetable fibers, and operate, sell or lease the same. And to that end, and for its other aforesaid purposes, it may acquire by purchase, lease or other operation of law, in fee-simple or for a less interest, and to such extent and in such quantity as its purposes may require, lands in either or both of said counties of Halifax and Northampton and all water rights and privileges connected therewith or contiguous thereto and suitable for the utilization of water-power, whether such power upon the lands and rights that may be so acquired has been fully or partially developed or wholly undeveloped, together with all rights, easements, powers and franchises, canals, dams and other structures, mills, factories, machinery, appliance and other buildings and improvements appurtenant thereto or located and erected thereon: *Provided*, That the land acquired for these purposes shall at no time exceed three thousand acres. It may fully develop and utilize the water-power upon the property and rights so acquired by it, for its own purpose, and for supplying both individuals and corporations with power in any and all forms for use in driving machinery and for light, heat and all other uses. And it may purchase in fee-simple or otherwise other lands contiguous to the aforesaid proposed acquisitions, and lay out the same into streets, blocks and building lots, and, if it so desire, erect suitable structures and buildings thereon, and sell, lease and donate the same, whether improved or unimproved: *Provided*, the land acquired for these purposes shall at no time exceed five thousand acres.

Privileges and powers.

Capital stock,  
minimum and  
maximum  
amount of.

Shares.

Preferred stock.

Subscriptions to  
stock.

Organization,  
when to be  
effected.

Board of Direc-  
tors, election and  
powers of.

Stockholders not  
liable for com-  
pany's debts.

Rights as com-  
mon carriers.

Privileges and  
powers.

SEC. 4. The capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time, or from time to time, to any sum not to exceed two million dollars, as a majority of the stockholders may determine; said stock to be divided into shares of one hundred dollars each. Said capital stock may be divided into common and preferred, in such proportion as the stockholders by unanimous vote may decide. Subscriptions to the capital stock may be received by the incorporators herein named, or any one or more of them, at such time and place as they may appoint, and with or without public notice as they may deem best, and as soon as the minimum of the capital stock has been subscribed, said subscribers may organize as a corporation and proceed to elect a board of directors, consisting of not less than three nor more than nine stockholders, and such officers as may be required by the by-laws of said company, and shall thereupon be deemed fully organized and have and exercise all the powers and functions of a corporation under this charter and the laws of the State. All subscriptions to the capital stock of said company shall be upon such terms and conditions and under such regulations as the board of directors may prescribe; and the directors may receive money, labor, material, bonds, stock, services, real or personal property, leases, options, rights of way, and other rights or easements, or the capital stock of other incorporators, in payment of subscriptions to the capital stock of the company hereby incorporated, at such valuation as may be agreed upon between the directors and the subscribers, and may make such subscriptions payable in such manner and amounts and at such times as the directors may determine. No stockholder of said company shall be held liable or made responsible for the debts or liabilities of said company in a sum beyond any balance due from such stockholder to said company on shares subscribed for by such stockholder.

SEC. 5. The said company hereby incorporated may transport passengers and freight over the lines of its railway and collect fare and tolls for same, and may operate its railway system by electricity or other available motive power. It may manufacture, develop, generate, employ, transmit and distribute power in form of electric current and hydraulic, pneumatic and steam pressure, or any of the said powers, and in any and all other forms, for light, heat and power, for its own uses and for sale to all persons, firms and corporations upon such terms as may be agreed upon by the contracting parties, and may purchase and sell appliances and fixtures in connection with and for the purpose of introducing its light, heat and power into general use.

SEC. 6. The company hereby incorporated may acquire by lease, purchase, subscription to, or purchase of the capital stock, or

otherwise, the works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, of other like companies chartered under the laws of this or other States, and may own, buy, sell, lease, use, operate, maintain and extend the same, and power is hereby conferred upon other like companies chartered under the laws of this or other States to transfer by sale or lease all their works, tracks, property, franchises, rights, privileges and immunities, including the right to be a corporation, to the company hereby incorporated, or to unite and consolidate with it upon such terms as may be agreed upon between them. It may purchase or otherwise acquire and hold the stock and bonds of any other company or corporation chartered under the laws of this or other States, and it may acquire and hold by purchase, lease, or in any manner, the plant, works or other property of any company, firm or individual now engaged or which may hereafter engage in a similar business in said counties, and may likewise acquire and hold, or afterwards sell, any other property necessary to the conduct of the business of the said company hereby incorporated, and may make payment for such railways, plants, works, franchises, rights, or other property, in money or by issuing its bonds, notes or stocks therefor.

SEC. 7. It shall be lawful for any corporation or company, and they are hereby empowered to subscribe for, purchase or otherwise acquire and hold, or guarantee, the stock or bonds of the said company hereby incorporated, and the said company hereby incorporated may sell, lease or convey its property, privileges and franchises to any other such company.

Purchase or guarantee of stock or bonds of company, and sale or lease of property, rights, etc.

SEC. 8. The said company hereby incorporated may take and acquire by purchase, lease, condemnation or otherwise and hold, or thereafter sell or otherwise dispose of the lands required for the right-of-way for stations, yards, side-tracks, shops, power-houses, terminals and operating facilities, plants and works of its railways, but the mode of condemning any lands or rights for said purposes shall be the same provided by the general laws of this State for the condemnation of lands by and for the use of railroad companies; and said company shall also have the right to acquire by purchase and hold other lands for the purposes of its railways, not exceeding ten acres in each incorporated city or town, and not more than five hundred acres each in the counties of Halifax and Northampton in or through which its railways may be operated or intended to operate, and it is hereby empowered and authorized to sell, lease, convey and encumber the same as may be necessary or proper for the conduct of its aforesaid railway business and the prosecution of its work in connection therewith, by deed of bargain and sale or deed of trust or mortgage.

Eminent domain.

Power to negotiate loans.

SEC. 9. It shall be lawful for said company and it is hereby authorized and empowered to borrow money, make, execute, issue and sell or negotiate its bonds from time to time for such sums and on such terms and for such price as its board of directors may deem expedient and proper for any of the purposes of said company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed, its contracts, rights, franchises and privileges, including its right to be a corporation, and it may, as the business of the company shall require, sell, lease, convey and encumber the same. The said company shall have the right to lend or otherwise invest its accumulated funds or surplus; to purchase and own the stock or bonds of any other company or corporation and to sell or otherwise dispose of the same at its pleasure.

Power to use track of other roads.

SEC. 10. The said company hereby incorporated is authorized and empowered to use on any portion of its lines or line of railway the track of any other railway company, with the consent of said other railway company; and may cross with its tracks either at, above or below grade the tracks of any railroad company.

Branch roads and consolidation with other companies.

SEC. 11. The said company is authorized and empowered to locate, construct, equip, operate and maintain any lateral or branch roads or tramways, not exceeding twenty miles in extent, and by such route or routes as may be selected by its board of directors, and said company may purchase or lease any such lateral or branch road which may be constructed, together with all the rights, powers, properties, privileges and franchises appertaining thereto, and may pay for the same with money or by issue of its stock, notes or bonds. And said company may connect or unite its road with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or companies operating or authorized to operate a connecting railway or railways, upon such terms and under such name as may be agreed upon between the companies so uniting or connecting, merging or consolidating, and for that purpose power is hereby given to it and to such other company or companies to make and carry out such contracts as will facilitate and consummate such connection, merger or combination or any lease or sale.

Unlawful to injure or interfere with company's apparatus.

SEC. 12. Any person who shall unlawfully injure or destroy, or, having the right to prevent it, shall permit to be injured or destroyed, any meter, pipe, conduit, wire, post, lamp or other apparatus belonging to the company hereby incorporated, or shall unlawfully prevent any electric or gas meter from duly registering the quantity of electricity or gas supplied, or in any way unlawfully interfere with its proper action or just registration,

or who shall without the consent of the said company divert any electric current from any wire of said company, or who shall unlawfully use or cause to be used without the consent of the said company any electricity or gas manufactured or distributed by the said company, shall on conviction thereof be deemed guilty of a misdemeanor, and fined or imprisoned within the discretion of the Court. Penalty.

SEC. 13. The motormen, conductors, drivers and other agents and servants of said company, while in the active service of said company or in the discharge of any duty connected therewith are hereby vested with the same power, authority and privilege which belong to similar officers and agents of the railroad companies in this State, and in addition to the general powers conferred upon such agents and officers; they may eject and remove from any of the cars, carriages or coaches of said railway company, any person or persons who fail or refuse to pay their fare according to the rules and regulations of said company, and they, the said officers and agents, may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid or not, and the said company shall not be liable or responsible in damages or otherwise therefor, and such agent or officer shall not be liable civilly or criminally therefor unless he use greater force than is necessary to eject such person. Powers of officers of company.

SEC. 14. It shall be lawful for the Superior Court of any county through which the said road may run, or in which any of the works and property of the company hereby incorporated is located, upon petition of the president and Board of Directors, at any time, to order an increase of the capital stock beyond the maximum limits given by section four (4) upon the payment of the proper charter fee tax for such increase of stock, a certified copy of which order shall be filed in the office of the Secretary of State. Increase of capital stock, how authorized.

SEC. 15. The said company may change its name whenever the holders of two-thirds of the stock of the company shall so determine at any general meeting or special meeting called for that purpose, certificate of which change to be filed in the Secretary of State's office, with the signature of the president and secretary and the seal of the company thereto affixed. Change of corporate name, provisions for.

SEC. 16. That the principal office of said company may be at such point in Halifax or Northampton County as the by-laws may designate; but the directors may establish branch offices elsewhere either within or beyond the limits of this State. Principal place of business.

SEC. 17. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 289.

## AN ACT TO INCORPORATE THE CENTRAL TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

## Corporators.

SECTION 1. That Lawrence S. Holt, of Burlington, N. C.; W. J. Edwards, of Sanford, N. C.; B. B. Winborne, of Murfreesboro, N. C.; Moses H. Cone, of New York City; John F. Bruton, of Wilson, N. C.; J. W. Grainger, of Kinston, N. C.; George W. Montcastle, of Lexington, N. C.; Thomas H. Battle, of Rocky Mount, N. C.; Ashley Horne, of Clayton, N. C.; W. R. Odell, of Concord, N. C.; David Y. Cooper, of Henderson, N. C.; Henry C. Dockery, of Rockingham, N. C.; John S. Cuninghame, of Cuninghame, N. C.; C. E. Foy, of New Bern, N. C.; W. A. Erwin, of West Durham, N. C.; Cæsar Cone, of Greensboro, N. C.; Robert L. Holt, of Burlington, N. C.; Nathan O'Berry, of Goldsboro, N. C.; Walter L. Holt, of Fayetteville, N. C.; Frank Stronach, of Raleigh, N. C.; E. C. Duncan, of Beaufort, N. C.; Eugene Holt, of Burlington, N. C.; James H. Pou, of Raleigh, N. C., and their associates and successors, are hereby created a body politic and corporate by the name and style of "The Central Trust Company," and by such name may sue and be sued, plead and be impleaded in any of the courts of this State, and shall have a common seal and continual succession for the period of ninety-nine years.

## Name.

## Powers.

## Existence.

## Principal office.

## Officers.

## Board of Directors, when and how elected.

## Other officers, how chosen, official bonds of.

## Capital stock.

## Minimum and maximum amount of.

## Shares, denominations of, non-assessable.

SEC. 2. The principal office and place of business of said corporation shall be in the city of Raleigh, State of North Carolina, or at such other place in said State as a majority of the incorporators may determine upon. Its officers shall consist of a Board of Directors of not less than five in number (and more if the stockholders shall so decide), a president, a vice-president, a cashier, and such other officers and employees as the Board of Directors may, from time to time, deem necessary to properly conduct the business of the corporation. The Board of Directors shall be elected annually by the stockholders upon a date to be prescribed by the by-laws; the directors so elected shall choose the other officers aforesaid, and shall require the cashier, and such other employees as they think desirable, to give bond with security to be approved by the Board of Directors, for the faithful performance of the duties of their respective positions.

SEC. 3. The capital of the said corporation shall be one hundred thousand dollars, and the same may be increased by a vote of a majority of the stock, from time to time, to an amount not to exceed one million dollars. The capital stock shall be divided into shares of the par value of one hundred dollars each, and the shares so subscribed when fully paid up shall be non-assessable,



and no stockholder shall be liable for any other sum or sums on account of such subscription. Fractional parts of shares may be issued if the Board of Directors think it desirable to do so. Subscription books may be opened at any time by any three or more of the incorporators after they shall have given thirty days' notice and called a meeting of the incorporators, to be held in the city of Raleigh, at a place and at a day and hour named in said notice. Any incorporator may attend this first meeting in person or by proxy, but no person except one of the incorporators shall serve as proxy for another, and all proxies shall be acknowledged before and witnessed by a Notary Public or Clerk of a Court of Record having a seal. When one hundred thousand dollars shall have been subscribed, and twenty-five thousand dollars thereof paid in the corporation shall have the right to begin business.

Liability of stockholders.

Subscription books, by whom and when opened.

Meeting of incorporators; requisites for proxies.

Organization.

SEC. 4. The corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits in any sums, and to pay interest thereon at fixed rates or by way of the 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.

Powers to do a general banking and savings bank business.

SEC. 5. It shall be the duty of the stockholders, and they are hereby fully empowered, to make all necessary rules, regulations 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.

Rules, regulations and by-laws.

SEC. 6. The said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership, 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, or 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, and any and all negotiable or commercial papers, or any crops, or produce whatever, and what is known as cash credits, 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 of 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, corpora-

Power to do a general banking business.

tion, 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, stock, 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.

Power to receive deposits.

SEC. 7. 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 or *feme covert* as though he or she were of full age, or *feme sole* respectively as the case may be.

Deposits of minors and married women, how made or withdrawn.

Power to negotiate sale of bonds.

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 persons, 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 rates of compensation as may be agreed on in and for any of the matters and things authorized by this power.

Powers to do a Guaranty Company business.

SEC. 9. That said corporation is hereby given the right to insure or guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness to any person, partnership or corporation, for any price and on any consideration agreed upon.

Stock, how transferable.

SEC. 10. That the stock of this corporation shall be transferred only upon its books, either in person or by proxy, and upon the surrender of the existing certificate of stock, and no stockholder shall transfer his stock except by consent of 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. This condition shall be printed on each certificate of stock issued.

SEC. 11. That said corporation shall have power to receive money in trust; to become executor or administrator of any 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.

Power to accept trusts.

SEC. 12. Said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, 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 rate. It shall have power and authority to receive for safe keeping on deposit, all money, bonds, stocks, diamonds and silver plate and other valuables, and charge and collect reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on a business of a safety deposit and trust company. It shall also have power to issue bills or notes to circulate as currency in such denominations as the Board of Directors may authorize, and under such regulations as may be hereafter authorized and provided by the laws of this State and the United States.

Power to act as receiver.

Notes of circulation.

SEC. 13. That in addition to the powers above conferred, said corporation may build, erect, maintain, conduct and operate one or more warehouses and 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 thereof, which charge shall constitute the first lien upon the property so stored, make rules, regulations, contracts, and by-laws fixing terms and prices for storage, manner of inspection, form of the receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; 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 such storage business as are not contrary to law, and receipts issued by said company shall be and are hereby declared to be negotiable instruments, and passed 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 of any contract between the said company and any depositor of property in said warehouse, the said company shall be held and deemed to exercise only ordinary care and custody in protection of such property.

Privileges and powers.

Branch offices;  
establishment  
and control of,  
etc.

Proviso as to local  
Boards of Direc-  
tors.

Organization,  
limit of time for.

SEC. 14. That the said corporation shall have the right to establish branch offices 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 offices established under this section shall pay the license tax to the State, shall be under the 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 office 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 control, supervision of any branch office established under the provisions of this section, but such local boards and officers shall at all times be amenable to the direction and control of the principal directors and officers of the said corporation hereinbefore referred to.

SEC. 15. The corporation hereby created shall have five years from and after the ratification of this act to organize and commence business, and if it shall fail to organize and commence business within that period, it shall not have the right to organize thereafter and the power granted under this act shall cease and determine.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

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#### CHAPTER 290.

AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE A GRANT TO W. B. COOK, ASSIGNEE OF PRE-EMPTION NUMBER THREE HUNDRED AND FORTY-THREE (343), IN CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Grant No. 343 to  
be issued to W. B.  
Cook as assignee.

SECTION 1. That the Secretary of State is hereby authorized and empowered to issue a State grant to W. B. Cook, of Cherokee County, assignee, etc., for pre-emption number three hundred and forty-three (343), according to papers now held by him as such assignee, upon said Cook paying all lawful fees and filing with said Secretary of State the proper warrants of survey for said pre-emption and receipts for payments heretofore made by the assignors or original purchasers of the land described in said pre-emption, No. 343, in Cherokee County.

SEC. 2. That nothing herein contained shall be construed to interfere with or prejudice any vested rights or to repeal the Statute of Limitations. Vested rights not to be disturbed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 291.

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF MARSHALL TO ISSUE BONDS AND ESTABLISH A SYSTEM OF WATER-WORKS, AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners for the town of Marshall are hereby authorized to cause an election to be held in said town, at such time as said Board of Commissioners may appoint within twelve (12) months after the ratification of this act, and submit to the qualified voters of said town the question of issuing bonds to the amount of five thousand dollars (\$5,000) for the purpose of establishing and operating a system of water-works for the protection of said town and the property therein against fires, and a sewerage system, and so far as practicable to supply the citizens with water. The said election shall be advertised by the said Board of Commissioners of said town for a period of thirty (30) days prior to the day of election, at the court-house door in said town, and at four other public places in said town, and shall be held under the same rules and regulations prescribed by law for the election of Mayor and Commissioners of said town.

Question of bonds to be submitted to voters.

Bonds, amount and purpose of issue.

Notice of election.

SEC. 2. That at said election provided for in section one of this act, the following questions shall be submitted to the qualified voters of said town of Marshall, to-wit: Bonds" or "No Bonds," and "License" or "No License." Those who are in favor of issuing said bonds shall vote a written or printed ticket with the words "For Bonds" thereon, and those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon, and those who are in favor of issuing license shall vote a written or printed ticket with the words "For License" thereon, and those who oppose shall vote a written or printed ticket with the words "Against License" thereon.

Elections, provisions for holding.

Count of vote  
and returns of  
election.

SEC. 3. That the result of said election shall be ascertained by the proper officers holding said election and certified and returned by them to the Board of Commissioners of said town within two (2) days from said election, who shall verify and certify said result and cause the same to be recorded in their minutes.

Bonds to be issued  
when. ▶

SEC. 4. That if a majority of the qualified voters of said town shall vote for bonds, then the Board of Commissioners of said town shall issue coupon bonds not to exceed the amount of five thousand dollars (\$5,000.00) in denominations ranging from one hundred dollars (\$100.00) to five hundred dollars (\$500.00), bearing interest from date of said bonds, at the rate of 5 per cent per annum, payable annually. Said bonds shall be due and payable as follows, to-wit: One-tenth (1-10) of the whole amount of said bonds shall be due and payable each successive year from and after the date of said bonds until they all shall have been paid; and shall be numbered with the coupons thereto attached, and signed by the Mayor of said town and countersigned by the Treasurer of said board, and a record thereof shall be kept by the secretary of said board open for inspection to the public at all times.

Denominations  
of.

Rate of interest,  
when payable;  
maturity.

How numbered  
and signed.

Liquor license;  
when, by and to  
whom issued.

SEC. 5. That if a majority of the votes cast are for license, then the Board of Commissioners of said town of Marshall shall issue license to proper persons applying for same for the purpose of selling spirituous, vinous and malt liquors in said town of Marshall under the provisions, stipulations and conditions as provided in chapter 259, of the Public Laws of the General Assembly of 1897.

Payment of inter-  
est and principal,  
how provided for.

SEC. 6. That in order to pay off the said bonds as they mature and the interest on same as it falls due, the Board of Commissioners of said town of Marshall are authorized and it shall be their duty to collect and set apart the moneys and revenues derived to said town from the license to sell spirituous, vinous and malt liquor or a sufficient amount of same to pay off and liquidate said bonds and interest thereon, as the same becomes due and payable.

Interest, when  
payable from gen-  
eral fund.

SEC. 7. That in case the revenues derived from the liquor license are inadequate to pay off the bonds as they fall due and the interest of said bonds as it becomes due and payable, the deficiency shall be supplied from the general fund belonging to the town.

Board of Water-  
works Commis-  
sioners, when and  
how elected;  
duties.

SEC. 8. That at the election provided for in section one of this act there shall be elected three (3) citizens of said town, whose term of office shall continue for two years, and until their successors are elected and qualified, and who, together with the Mayor of said town, shall be constituted and known as the Water-Works Commissioners, whose duty will be to carry this act into

effect. Said Water-Works Commissioners shall elect at their first meeting of their number a chairman, a secretary, and a treasurer. The treasurer of said Water-Works Commissioners shall enter into a bond of ten thousand dollars (\$10,000.00), to be approved by the Board of Town Commissioners, for the faithful performance of his duties. Officers.  
Bond of treasurer.

SEC. 9. That the Board of Commissioners of said town of Marshall after having issued the bonds aforementioned, shall deliver them to the treasurer of said Water-Works Commissioners, and all moneys collected for the liquidation of said bonds with their interest, as the same shall come into the treasury of said Board of Town Commissioners. Bonds and revenues, to whom delivered.

SEC. 10. That the said Water-Works Commissioners shall have power to negotiate a sale of said bonds for not less than their par value and use the proceeds arising therefrom for the exclusive purpose of procuring, erecting and operating a system of water-works for the said town of Marshall: *Provided*, no fee or commission shall be paid for sale of said bonds, either directly or indirectly. Bonds, sale of etc.  
Proviso.

SEC. 11. That if said water-works are procured as provided for in this act, then the said Water-Works Commissioners shall have control of same and may lease or sell to any citizen of said town the right to use water from the same, within the corporate limits of said town for such period of time and for such price as may be agreed upon, and the proceeds arising from said sale or lease shall be applied to the discharge of the aforesaid bonds, and the interest thereon, and toward keeping the said water-works in good repair. Control of water-works, etc.

SEC. 12. That it shall be the duty of said Water-Works Commissioners to make a full report of their proceedings, annually to the said Board of Commissioners of the town of Marshall, and it shall be the duty of the Commissioners of the town of Marshall to fix the salary or compensation of the said Water-Works Commissioners at such sum or sums as may seem right and proper for the services rendered by each of said Water-Works Commissioners in the discharge of his duty as provided for in this act. Report of Water-works Commissioners and salary of.

SEC. 13. That any person or officer violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred dollars nor more than five hundred dollars. Penalty for violation of provisions of this act.

SEC. 14. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 292.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
CHINA GROVE, IN THE COUNTY OF ROWAN.*The General Assembly of North Carolina do enact:*

Chapter 180, Laws  
of 1889, relating to  
charter of China  
Grove, amended.

SECTION 1. That section six (6), chapter one hundred and eighty (180), of the Laws of one thousand eight hundred and eighty-nine (1889), be amended by striking out in line five (5) the words "one-half" and in lieu thereof insert the words "three-fourths."

Sections 11 and 12  
stricken out and  
Section 3 inserted.  
Eminent domain.

SEC. 2. That sections eleven and twelve be stricken out and the following be inserted and known as section three.

SEC. 3. That in addition to the powers conferred on the Commissioners of incorporated towns enumerated in chapter 62 of The Code of North Carolina, the said Commissioners shall have power to lay out and open any new street or streets within the corporate limits of said town, whenever they deem necessary (and of the necessity thereof the Commissioners shall be the sole judges), within said corporation, and they shall have power, at any time, to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner thereof; but in case the owner or owners of the land sought to be condemned or appropriated for public use by the Commissioners, and the Commissioners can not agree as to the compensation, then the matter shall be referred to arbitration, the Commissioners to choose one and the owner of the land another freeholder, and a qualified elector of said town, and in case the owner of the land sought to be condemned shall refuse to choose such an arbitrator, then the Mayor shall choose in his stead such an arbitrator for him, and in case the two chosen as aforesaid can not agree, then they shall elect an umpire, like qualified as themselves, whose duty it shall be to examine the land sought to be condemned and ascertain the damage that will be sustained by and the benefits accruing to the owner in consequence of the taking and using and appropriating said land, and award to the owner, if any, that [which] shall be paid by the town for the use of the town so taken, and the award of the arbitrators shall be conclusive of the right to the use of said land, and shall vest in the Commissioners the right to use said land for the purposes for which it was condemned, and the damages, as agreed upon between the owners of the land and



the Commissioners, or awarded by the arbitrators, shall be paid as other town liabilities: *Provided*, that either party may appeal to the Superior Court of Rowan County. Proviso.

SEC. 4. That all persons owning lots or real property of any kind on any of the streets of said [town], are hereby required to make, repair and keep in proper condition all sidewalks across said lots or real property as may be approved by the Street Commissioners of said town; and if any person or persons having lots or real property as aforesaid shall neglect or refuse to make, build or repair such sidewalks or pavement in a reasonable time after having been notified by the said Street Commissioners, then the Town Commissioners shall order said sidewalks or pavements to be repaired by the Town Constable or Street Commissioners, who shall have power to enter upon the said premises and to do such building, making or repairing, and furnish such material as may be necessary for said work; and for the cost of such building, repairing or material furnished, the owner or owners shall be taxed with the same, and such tax may be collected as other taxes of said town. Duty of owners of adjoining lands to build and keep in repair sidewalks, etc.  
  
Cost of repairs to be taxed on land-owner.

SEC. 5. That it shall be unlawful for any person or persons to manufacture, sell or give away, or dispose of in any way, directly or indirectly, any spirituous liquors, beers, malt or intoxicating drinks of any kind for pay, reward or hope of reward, within the corporate limits of said town; and if any person or persons shall violate the provisions of this act, he, she or they shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days for each and every offence. Unlawful to manufacture or sell intoxicating liquors.  
  
Penalty.

SEC. 6. That this act shall be in full force and effect from and after May the first, one thousand nine hundred and one (1901). Effective after May 1, 1901.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 293.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and eighty-seven of the Private Laws of eighteen hundred and ninety-three be amended as follows: That section two thereof be stricken out and the following inserted in lieu thereof: "The corporate lim- Chapter 387, Private Laws of 1893, relative to charter of town of Wilson, amended.

Corporate limits. its of the said town shall be as follows: Beginning at an iron stake on Nash Road, six hundred feet from the center of Bynum Street, where it intersects Nash Street, and running thence north sixty and one-half east nineteen chains and fifty-seven links to a stake; thence south sixty-one and one-half east twenty-one chains and four links to a stake on Water-Works Road; thence south sixty-three and one-half east thirty-one chains and ten links to a post at the corner of Hill Street; thence south thirty-six east thirty-seven chains and forty-seven links to a stake in Woodard's field; thence south four west thirty-eight chains and thirty-nine links to a post in Mrs. S. B. Lipscomb's wire fence; thence south thirty west fifty-one chains and ninety links to a stake on Stantonsburg Road, near the colored graded school building; thence north eighty-six and three-fourths west twenty-four chains and sixteen links along Oak Dale Cemetery fence to a post on Bynum's lane; thence north sixty-nine west thirty-six chains and sixty-four links to a blackgum at foot of the bridge across Hominy Swamp Canal on the Barefoot Road; thence up said canal thirty-two chains and thirty links to the bridge on the Raleigh Road; thence north four and one-half west twenty-three chains and fifty-one links to a stake on west side of Park Avenue; thence north one west forty-five chains and fifty links to a post on the Finch Road; thence thirty-seven and a fourth east sixteen chains and ninety-four links to the beginning."

Wards, division  
into.

SEC. 2. That section three of said chapter be stricken out and the following inserted in lieu thereof: "The town of Wilson shall be divided into five wards denominated respectively first, second, third, fourth, fifth ward. The First Ward shall embrace all territory situated and lying west of Broad Street and its extension, Barnes Street, Taylor's Lane to the Stantonsburg Road; thence up said Stantonsburg Road to the intersection of the old plank road; then down the old plank road to the corporate limits. The Second Ward shall embrace all the territory situated and lying between Nash Street and the First Ward. The Third Ward shall embrace all the territory situated and lying between Nash and Green streets to Bragg Street, and Vance Street, northwest of Bragg Street. The Fourth Ward shall embrace all the territory situated and lying between Vance and Green streets, with their extensions from Bragg Street to the corporate limits. The Fifth Ward shall embrace all the territory situated and lying north of Vance Street, with extensions, to corporate limits. That the Commissioners of the town of Wilson shall have the right to modify, alter or change the limits or boundaries of any or all of the above designated wards by giving thirty days' notice thereof in some newspaper published in the town of Wilson: *Provided*, that such change or changes shall not be made within three months of the date of any election held by said town."

SEC. 3. That section twenty-five be amended as follows: Insert in the line five thereof after the word "require" and before the word "also" the following: "And to meet current expenses the said Commissioners may borrow money and pledge the faith of the town in such sums as may be necessary, the amount borrowed not to exceed at any one time five thousand dollars." Insert in line six thereof after the word "town" and before the word "to" the following: "To build a town market-house not to exceed in cost the sum of five thousand dollars."

Section 25 amended, relative to commissioners negotiating loans and erection of market house.

SEC. 4. That sections twenty-six, twenty-seven, twenty-eight, thirty and thirty-one, and subsections one, two, three, four and five thereunder, be stricken out and the following inserted in lieu thereof: (Section twenty-six A.) That in the month of May, nineteen hundred and one, and biennially thereafter, the Board of Commissioners shall appoint three discreet and proper persons among the electors of the town of Wilson, to be constituted and who shall constitute and be styled the Board of Equalization of the town of Wilson, and the persons so appointed shall continue in office two years, and until their successors are duly appointed and qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the Board of Commissioners, and no person holding an office or appointment under the Board of Commissioners, shall be eligible or qualified to act as a member of the Board of Equalization." "(Section 27 A.) That before entering on their duties the members of said board shall take and subscribe before the Mayor or some Justice of the Peace the oath prescribed in section four of Article VI, of the Constitution of the State, and cause the same to be filed in the office of the Clerk of said town." "(Section 28 A.) That said board shall elect from their number a chairman, who shall have power to administer oaths and issue subpoenas for witnesses to appear before the board, who shall be required to appear and testify, under like pains and penalties as if summoned to the Superior Court. In the absence of the chairman at any meeting of the board, a temporary chairman shall be chosen who, during such meeting, shall have and exercise the powers of the regular chairman." "(Section 30 A.) That as soon as the tax list can be completed by the Town Clerk, the same shall be by him delivered to the Board of Equalization, which board shall have the power, and it shall be their duty, to act conjointly with the Board of County Commissioners of Wilson County in equalizing the valuation of all property within the corporate limits of said town, and said boards conjointly shall have all the powers given to the Board of Commissioners of a county to revise a tax list." "(Section 31 A.) That said board shall conjointly and carefully examine the tax lists of the town and

Certain sections stricken out and following inserted relating to Board of Equalization, duties and powers.

county and shall equalize the valuations of all property within the town limits, so that each tract or lot of land, or articles of personal property, and all other subjects of taxation shall be entered on the respective tax lists of the town and county at its true value in money and shall cause the respective tax lists to conform as nearly as possible, and for this purpose they shall have the power to increase, modify, add to and change the tax lists as made out, so that the valuations of all property within the town limits, shall be as near uniform as possible, and in doing so they shall observe the following rules and shall have the following powers: (1) They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property, or articles of personal property, and all other subjects taxed by the charter, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. (2) They shall reduce the valuation of such tracts or lots of real property or articles of personal property, and other subjects taxed by the charter, as in their opinion have been returned above their value as compared with the average valuation of real and personal property of said town. In regard to the real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot and the uses thereof. (3) Whenever said Board of Equalization shall have reasonable ground to believe that any person, company or corporation has failed to give in a true, accurate list of such personal property and other subjects taxable by the charter as be, it or they are required to furnish, with the true value thereof. It shall be their duty to ascertain the same and insert the same and the true value thereof in the tax list. (4) In performing the duties required of them, the said Board of Equalization shall have power to subpoena and compel the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before them and examine records, books, papers and such other things as they may deem proper to be used in evidence before them, upon the same rules and penalties as are provided for in Superior Courts. (5) That said Board of Equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or its taxables at any meeting held on or before the first day of October, upon the applicant paying the Clerk twenty-five cents for recording the same and in ascertaining the value of property and taxables thus listed, said board shall have the same powers to investigate and ascertain the true value thereof as is herein given them in other cases." "(Section 31 AA.) That as soon as the tax list can be revised by the Board of Equalization, the Board of Commissioners shall pro-

Raising of valuation of taxable property.

Reduction valuation.

Listing property not given in.

Power to summons and examine witnesses.

Listing of persons or corporations applying for same; fee for listing.

ceed to levy the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the Tax Collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the Treasurer.

Commissioners to levy tax after revision of list.

SEC. 5. That section thirty-seven be stricken out and the following inserted in lieu thereof. That the town of Wilson is hereby authorized and empowered to create a debt for grading, macadamizing and paving the streets and sidewalks of the town of Wilson to an amount not exceeding twenty-five thousand dollars, and for that purpose may issue bonds in the name of the town of Wilson in such denomination and form and payable at such place and time, but running not less than twenty nor more than fifty years, and bearing interest at no greater rate than five per centum per annum and payable semi-annually, as said Board of Commissioners may determine."

Section 37 stricken out and following inserted, relating to issue of bonds.

Street improvements.

SEC. 6. That section thirty-eight be stricken out and the following inserted in lieu thereof: "That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such time and under such regulations as the Board of Commissioners may prescribe, at which election those favoring the issue of bonds shall vote 'Issue,' and those opposing it shall vote 'No Issue.'"

Section 38 stricken out and following inserted, relating to submission of question of bonds to voters.

SEC. 7. That section thirty-nine be stricken out and the following inserted in lieu thereof: "That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value, and the money arising from the sale of such bonds shall be used for the purposes set out in section five hereof."

Section 39 stricken out and following inserted relative to sale of bonds.

SEC. 8. That section forty thereof be stricken out and the following inserted in lieu thereof: "The Board of Commissioners of the town of Wilson shall have the power to require every owner of real estate in the town of Wilson to pave one-half of the street or streets and sidewalks in front of his land. The said board shall have the power to require every owner of real estate situate in the town of Wilson over or against whose land the natural flow of surface water tends or runs, to extend across such land any tiled drain brought or built to the edge or line thereof by the town. The work of paving and tiling herein provided for shall be done in such manner and with such material as the Street Committee of said board may direct, and the said Commissioners shall have the power to enforce such requirements by fines and penalties, and upon failure of such owner or owners to do such paving or tile draining, as the case may be, the town of Wilson may have the same done and the costs thereof shall be assessed upon the property of such delinquent and added to the taxes

Relating to owners of adjoining lands paying costs of certain street improvements.

against him or her and collected in the same manner as the other taxes and assessments are collected, or judgment may be taken by the town of Wilson before the Mayor, or any Justice of the Peace, or in the Superior Court of Wilson County for the costs of such paving or tile draining, and when docketed in the Superior Court of Wilson County such judgment shall have the same lien as is possessed by other judgments docketed in the said Superior Court and be enforced in like manner.

SEC. 9. That chapter two hundred and ninety-seven, Private Laws of session 1899, be amended as follows: That section one thereof be amended by striking out all of said section after the word "receive" in line thirteenth thereof, and inserting the following: "For each meeting of the board, not exceeding thirty meetings in any one year, two dollars."

Dangerous buildings and building permits.

SEC. 10. That section three thereof be amended by adding thereto the following: "The said Board of Commissioners shall have the power to pull down and remove any building within the corporate limits of the town of Wilson, which they may or shall have adjudged and declared dangerous and unsafe for occupation, or a nuisance to the health of the town: *Provided*, the same be not removed or torn down by the owner within thirty days after notice in writing from the Mayor." (Section 3 A.) That they may require the owner or lessee of any lot or premises within the town who shall desire to erect a building thereon, or to add to, remodel or alter any building or buildings already built thereon, or make other improvements on the same, if said buildings, additions, alterations or improvements shall cost the estimated sum of one hundred and fifty dollars, to take out a building permit, before the Clerk of said town, for which a fee not exceeding twenty-five cents may be charged, under such rules and regulations as may be prescribed by ordinance, and to enforce the same by proper fines and penalties against said owner or lessee.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

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#### CHAPTER 294.

#### AN ACT TO INCORPORATE THE WESTERN CAROLINA POWER COMPANY AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Charles A. Reynolds, W. A. Lemly, Julian S. Carr, L. P. McLoud, J. A. Vance and W. C. Atwell, and their associates, be and they are hereby created a body corporate under

the name of "The Western Carolina Power Company," for the Name.  
 purposes hereinafter described, and by the name and style shall  
 for a term of sixty years have succession and power to sue and Existence.  
 be sued, to plead and be impleaded, defend and be defended Powers.  
 in all courts, whether in law or in equity, and may make and  
 have a common seal and alter and renew the same at pleasure;  
 and shall have, possess and enjoy all rights and privileges of a  
 corporation or body politic, under the general law, and also all  
 rights, privileges and franchises herein given.

SEC. 2. That the said company is authorized and empowered to General business  
 supply to the public, including both individuals and corporations, powers.  
 within the State of North Carolina, and elsewhere, power in the  
 forms of electric current and hydraulic, pneumatic and steam  
 pressure, or any of the said forms, and in any and all other  
 forms, for use in driving machinery, and for light, heat, and all  
 other uses to which the power so applied can be made applicable,  
 and to fix charges, collect and receive payment therefor, and for  
 the purpose of enabling the company to supply power as afore-  
 said, the company is authorized and empowered to buy or other-  
 wise acquire, generate, develop, store, use, transmit, and distrib-  
 ute power of all kinds, and to locate, acquire, construct, equip,  
 maintain and operate from any place in the State where the said  
 company may establish plants to any distributing points in the  
 State where they may elect, and from the same to any other  
 points by the most practicable routes, to be determined by the  
 Board of Directors of the company, lines for the transmission  
 of power by wire on poles or under ground, and by cables, pipes,  
 tubes, conduits and all other convenient appliances for power  
 transmission, with such connecting lines between the lines above  
 mentioned, and also with such branch lines as the company may  
 locate or authorize to be located, for receiving, transmitting and  
 distributing power; and as appurtenances to the said lines of  
 power transmission and their branches the company may ac-  
 quire, own, hold, sell or otherwise dispose of water-powers and  
 water privileges in the State of North Carolina and elsewhere,  
 and may locate, acquire, construct, equip, maintain and operate  
 all necessary plants for generating and developing by water,  
 steam or any other means, and for storing, using, transmitting,  
 distributing, selling and delivering power, including dams, gates,  
 bridges, tunnels, stations and other buildings, boilers, engines,  
 machinery, switches, lamps, motors, and all other works, struc-  
 tures and appliances in the State of North Carolina; also, may  
 build, own, control and operate electric railway lines, and may  
 own, rent, lease or sell power for any other uses to which elec-  
 tricity, steam or water-power can be applied: *Provided*, that the  
 amount of land which the company may at any time hold within

the State of North Carolina for any one water-power and other works, except the land flowed or submerged with water accumulating at any one dam, shall not exceed ten thousand acres exclusive of right of way: *And provided further*, that lines and appurtenances hereinbefore authorized for distributing power and light are to be constructed when on public streets or highways of any county, city or town under such reasonable regulations as the authorities respectively thereof shall upon application from the company prescribe.

Capital stock,  
minimum and  
maximum  
amount of;  
increase of.

SEC. 3. The capital stock of the said company shall be not less than ten thousand dollars, and may, with the consent of a majority of its stockholders, be increased from time to time to one million dollars or any additional amount, by the issue and sale of shares of preferred or common stock, or both, upon such terms and conditions and under regulation as the Board of Directors, with the approval of the majority in interest of the stockholders of said company, shall prescribe, but the par value of every share of stock shall be one hundred dollars; and the directors, with like approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, real or personal property, in payment of subscriptions to the capital stock, and under the directions of a majority of the corporators hereinbefore named, or such of them as shall be subscribers, may organize the said company by electing a Board of Directors and providing for the election or appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and thereupon they shall have and exercise all the powers and functions of a corporation under their charter and the laws of this State. No subscriber shall be individually liable for the debts of the company.

Shares, par value  
of.

Subscriptions to  
stock.

Organization.

Liability of stock-  
holders.

Power to negoti-  
ate loans.

SEC. 4. It shall be lawful for the said company to borrow money and issue and sell its bonds from time to time for such sums and on such terms as its Board of Directors may deem expedient and proper, for any of the purposes of the company, and may secure the payment of said bonds by mortgages or deeds of trust upon all or any portion of its property, real, personal or mixed; its contracts and privileges, and its charter rights and franchises, including its franchise to be a corporation, and it may, as the business of the company shall require, sell, lease, convey and encumber the same; and it shall be lawful for the said company to subscribe to and hold the stock and bonds of manufacturing or other corporations, and any manufacturing or other corporations may subscribe to and guarantee and hold the stock and bonds of said company.

Consolidation  
with, sale or lease  
of, purchase or  
lease of other com-  
panies.

SEC. 5. The said company may connect or unite its lines for the transmission of power with those of any other company or companies, or consolidate and merge its stock, property and franchises



with and into those of any other company or companies incorporated under the laws of this State or any other States of the United States, operating or authorized to operate lines for the transmission of electric or other power, upon such terms and under such name as may be agreed upon between the companies so uniting or collecting, merging or consolidating, and the said company may lease or sell any or all of its property, real or personal or mixed, its contracts and privileges and its charter rights and franchises to any such other company upon such terms as may be agreed upon between them, and may in like manner acquire by lease or purchase any or all the property, real or personal or mixed, the contracts and privileges and the chartered rights and franchises of any such other company or companies, and full power and authority is hereby given to the said company or companies to make and carry out all such contracts as will facilitate and consummate such consolidation or merger and changes of name of such leases and sales.

SEC. 6. The Board of Directors shall, as soon as they deem it practicable, proceed to locate the works of said company, and may have one or more locations from time to time as they may deem expedient, and the construction of some of the said works shall be begun within two years after the ratification of this act.

Location of works and time of commencement of operations.

SEC. 7. That the principal office of said company shall be located at Winston, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the by-laws of the corporation shall designate and prescribe. But by consent of the Board of Directors the principal office may be removed to any place within the State most expedient to the management of its works.

Principal place of business.

SEC. 8. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon lands or water for the purpose of exploring and surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works in whole or in part shall have been determined upon and a survey of the same deposited in the office of the Secretary of State, then it shall be lawful for the said company by the officers, agents, engineers, superintendents, contractors, and others in its employ to enter upon, take possession of, hold, use, and excavate any such lands and to erect all structures necessary and suitable for the completion or repairing as is hereinafter provided: *Provided always*, that payment or tender of payment of the value of all lands upon which the said works may be laid out are made before the said company shall enter upon or break ground upon the premises, except for surveying or locating said works, unless the consent of the owners thereof be first obtained.

Eminent domain.

Condemnation of  
lands, proceed-  
ings for.

SEC. 9. When any land or right of way and trees within dangerous proximity to lines may be required by said company for the purpose of constructing its works or building its roads, and for want of agreement as to the value thereof or for any other cause the same can not be purchased from owner, the same may be taken at a valuation to be fixed by five Commissioners, or a majority of them, to be appointed by the Clerk of the Superior Court wherein said land is situate. In making the said valuation the said Commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land being surrendered: *Provided, nevertheless*, that if any person or persons on whose lands the said works may be located, or if said company shall be dissatisfied with the valuation of said Commissioners, then and in that case, the party so dissatisfied may have an appeal to the Superior Court in the county wherein the valuation has been made, or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations and restrictions as in cases of special proceedings. The proceedings of said Commissioners, with a full description of the land, shall be returned under their hands and seals or a majority of them to the Court from which the Commissioners issued, there to remain a matter of record, and the lands so valued shall vest in the said company as soon as the valuation shall have been paid or tendered: *Provided*, that upon application for the appointment of a Commissioner under this section it shall be made to appear to the satisfaction of the Court that at least ten days' notice had been previously given of the application to the owner or owners of the land so proposed to be condemned, or if the owners be under disability or the guardians of such owners as are under disability can not be found within the county, or the owner or owners are not known, then that such notice of such application has been published once a week for at least four weeks in some newspaper printed in the vicinity of the court-house of the county in which the application is to be made: *And provided further*, that the valuation provided for in this section shall be made on oath by the Commissioners aforesaid, which oath may be administered by any Clerk of the Court, Justice of the Peace or other person authorized by law to administer oaths: *And provided further*, that the rights of condemnation herein granted shall not authorize said company to remove or invade the yard, or garden around the private dwelling, or the burial grounds of any individual, without his or her consent; and when any lands are condemned under this act as herein allowed such condemnation must be for the public purposes of said company and not for the mere private use of the same.

SEC. 10. All land not heretofore granted to any person lying within the locations made by the company for its works shall vest in the said company as soon as the works are definitely laid out, through or upon it, and any grant of said land thereafter shall be void.

Lands not granted to vest in company, when.

SEC. 11. A part of the works of said company at any of its plants may be constructed without completing its entire works, and the said works may be operated and electric current may be transmitted and delivered and charges may be collected therefor, notwithstanding the entire works of the company have not been completed.

Relative to completion of works.

SEC. 12. Every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient. Meetings of the stockholders and directors may be held at such times and places as the stockholders and Board of Directors may respectively prescribe.

Stock, how voted.

By-laws and rules.

Meetings of directors and stockholders.

SEC. 13. The Board of Directors shall be composed of stockholders of said company and shall consist of such members as the stockholders may prescribe from time to time by the by-laws, and shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the company may direct, and shall continue in office for the term of one year from and after the date of their election and until their successors are elected and accept the duties of the office; and they shall choose from among their number a president, vice-president, secretary and treasurer, but one or more of said offices may be held by the same person. In case of death, resignation or incapacity of any member of the Board of Directors during his term of office the said board shall choose his successor for the unexpired term.

Board of Directors.

Officers.

SEC. 14. This act shall be deemed and taken to be a public act, and a copy of any by-laws or regulations of the said company under its corporate seal, purporting to be signed by the president, shall be received as *prima facie* evidence for and against the said company in any judicial proceedings.

Copy of by-laws and rules, how receivable as evidence.

SEC. 15. That any person who shall wilfully and maliciously deface, injure, destroy, remove or obstruct said works, or any fixtures, property or machinery thereof or its structures or appliances of any kind, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Court.

Penalty for injury to company's works, etc.

SEC. 16. That any person or persons who shall wilfully and maliciously cast, throw, shoot, propel or project, or in anywise put in motion any stone, rock, shot, torpedo or other missile of any kind or nature at, against or into any of the property of

Penalty for throwing missiles against company's works.

Agents and servants of company, powers of.

said company, shall be guilty of a misdemeanor, and shall be fined or imprisoned within the discretion of the Court.

SEC. 17. That the conductors, drivers and other agents and servants of said company while in the active service of said company, or in the discharge of any duty connected therewith, are hereby vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State, and in addition to the general powers conferred upon such agents and officers they may eject and remove all drunken, profane and disorderly persons from any of the conveyances, cars or property of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid or not, and the said company shall not be liable or responsible in damages therefor, and such agent or officer shall not be liable, civilly or criminally therefor unless he uses greater force than is necessary to eject such person.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 295.

### AN ACT TO ESTABLISH STOCK LAW IN CERTAIN SECTIONS OF PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

Unlawful for stock to run at large in stock law territory after January 1, 1902. Boundaries of stock law territory.

SECTION 1. It shall be unlawful for any live stock to run at large after January 1, 1902, within that section within the following boundaries, to-wit: Beginning at or near the Lumber Landing on north side of Vandemer's Creek; thence down said creek to Bayrive; thence down Bayrive to Bay Creek; thence up Bay Creek to Bennett's Creek; thence up Bennett's Creek to opposite F. B. Jones' pasture fence, from thence to Wise's Point Road and F. B. Jones' fence, with his fence to J. R. Messie's yard fence, and with his fence to old county road; thence up said road to Lumber Landing road; then with said road to the beginning.

Question of special tax to be submitted to voters; election, when and how held.

SEC. 2. It shall be the duty of Pamlico County Commissioners at their June meeting, 1901, to order an election to be held at William T. Mayo's store, not later than the first Thursday in August, 1901, under the General Election Law, and submit to the qualified voters of the above-described territory the question of taxation to build and maintain a lawful fence around said

territory, those favoring taxation will cast a printed or written ballot "For Taxation," those of a contrary opinion will cast a printed or a written ballot "Against Taxation."

SEC. 3. It shall be the duty of said Commissioners to have opened at said William T. Mayo's store, ten days just preceding the day of election, from ten o'clock a. m. to four o'clock p. m., a register book, in which all persons may register who are entitled to do so in the boundaries of said territory, according to law. Return of election

SEC. 4. It shall be the duty of the Commissioners of Pamlico County, at their first meeting after said election has been held and a majority of the qualified voters of said territory vote for taxation, then said Commissioners shall proceed to levy and have the Sheriff to collect a sufficient sum to build said stock law fence, not exceeding twenty cents on the one hundred dollars valuation and sixty cents on the poll, under the same rules and regulations as now in force under other stock law territories of Pamlico County. Tax levy, when and how made.

SEC. 5. That all the water boundary of the above-described territory are hereby declared a lawful fence. Water boundary declared a lawful fence.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 296.

#### AN ACT FOR THE RELIEF OF ALAMANCE FAIR ASSOCIATION.

WHEREAS, The Alamance Fair Association, duly organized and existing for the past fourteen years, under the provisions of sections 2220 and 2221 of The Code; and, Preamble.

WHEREAS, Secretary and Treasurer has failed to pay said association the sum to which it was entitled under section 2222 of The Code; and,

WHEREAS, Some doubt exists as to the power of said Treasurer to now pay the same;

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the clerk of the Board of Commissioners of Alamance County filing a copy of the organization of said Alamance Fair Association and the date thereof with the State Treasurer, said Treasurer shall pay to the treasurer of said Ala- State Treasurer to pay to treasurer of association a certain sum when copy of organization is filed.

mance Fair Association the sum of five hundred dollars out of the public treasury for the sole use and benefit of said Fair Association.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 297.

### AN ACT TO INCORPORATE THE ATLANTIC AND NORTH-WESTERN RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That A. W. Cormick, A. H. Martin, J. W. Edwards and E. A. Humphrey, and their associates and successors be and hereby are constituted a body politic and corporate by the name
Name.	and style of the "Atlantic and Northwestern Railroad Company,"
Powers.	and by that name may sue and be sued, plead and be impleaded in any court, may make by-laws, not inconsistent with the laws of the State, and appoint all necessary officers and prescribe their duties; and may accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned, and may make contracts and have and use a common seal, and do all other lawful acts properly incident to and connected with said corporation and necessary for the control and transaction of its business.
General business powers.	SEC. 2. That said company be and hereby is authorized and empowered to construct, maintain and operate a railway or railroad from Goldsboro, North Carolina, to Seven Springs, in Wayne County, said State, and to extend the same to Richlands or Jacksonville, or both, thence to Swansboro, or some point on the coast between Swansboro and New River.
Capital stock.	SEC. 3. That the capital stock of said company shall consist of such sums as shall be subscribed from time to time not to exceed two million dollars, and shall be divided into shares of one hundred dollars each.
Organization.	SEC. 4. That the corporators herein named, or a majority of them, may at any time within five years, organize said company,
Officers.	and may elect a president and three directors, and any officers they may deem advisable, who shall hold their offices for one year, and said first Board of Directors may in their by-laws prescribe the time and manner of their subsequent annual elections,
Elections, time and place of.	

subject to the approval of the stockholders at their next annual meeting, and to be changed by the stockholders at any subsequent meeting.

SEC. 5. That for the purpose of raising the capital stock of said company, it shall be lawful for said corporators, or a majority of them, to open books for private subscriptions, at such times and places, and under the direction of such persons, and on such conditions, as to them may seem expedient. And the said railway company shall have power to mortgage its property and franchises and to issue bonds on such terms and conditions for the uses and purposes of said corporation, as said company may deem necessary.

Books of subscription.

Power to negotiate loans.

SEC. 6. It shall be lawful for any county, township, town or city into, by, through or near which the line of said railroad may run or contemplate running, to subscribe to the capital stock of such railway company in such sum or sums and at such time or times as may be agreed upon between said company and such municipality respectively, and to issue bonds in such denominations, at such a rate of interest, not exceeding six per cent, and running for such time as the authorities of such municipality may deem advisable, and to levy and collect the necessary taxes to pay the same.

Subscriptions to capital stock by counties, cities and towns, and issue of bonds for same.

Tax levy.

SEC. 7. In case of subscription to the capital stock of said railway company by any county, township, city or town desiring to do so, the question of such subscription, the amount, rate of interest and time of payment of any bonds as proposed to be issued, the amount and levy and collection of any taxes to pay the same, and any other condition attached to such subscription, must first be submitted to the qualified voters of such county, township, town or city proposing to make such subscription, after advertising such election, the time of holding and the purposes and conditions thereof, for thirty days at each election precinct in such county, township, town or city. If the subscription is proposed to be made by a county or township, the election must be ordered by the Board of Commissioners of such county and held by a registrar and two poll holders for each election precinct, with power in the registrar to appoint poll holders, if one or both fail to serve; the registrars and poll holders in the first instance to be appointed by the Board of County Commissioners. The registrars and poll holders shall serve without compensation, and shall make return in writing of the result of the election to the Board of County Commissioners on the first Monday in the month subsequent to said election, and if upon examination a majority of the qualified voters of such county or township have been cast in favor of subscription, the said Board of Commissioners shall make such subscription, issue said bonds and levy and collect the

Question of bonds to be submitted to voters.

Notice of election.

Elections for county or township, provisions for holding.

Returns.

Election for towns, how held.

taxes for the payment of the same in accordance with the terms submitted to and approved by the voters. If the subscription is proposed to be made by a city or town the question shall be submitted to the qualified voters of such city or town in the same manner and under like conditions as provided above for counties and townships, except that the election shall be ordered, and the registrars and poll holders shall be appointed by, and the returns of the election made to, the governing body of such city or town, and the returns shall be made to their first regular meeting subsequent to such election; and if upon examination it is found that a majority of the qualified voters of such city or town have been cast in favor of subscription, the governing body of such city or town shall make the subscription, issue the bonds, and levy and collect the taxes for the payment of the same in accordance with the terms approved by the voters. In all such elections those favoring the subscription, issuing bonds, levying the tax will vote a ballot on which is written or printed "For Subscription," and those opposing the same will vote a ballot on which is written or printed "Against Subscription." For such an election the books shall be open at the home or business place of the registrar ten days next preceding the election for registration and challenges and at the polls on the day of election to register those who become entitled to vote on that day.

Ballots, description of.

Registration books, when open.

Privileges and powers.

SEC. 8. The said railway company shall have every right, privilege, and power necessary for acquiring by gift, purchase or condemnation proceedings such land or right of way as it may need for the location and construction of said railway, or for the erection and location of depots, station houses, and other necessary establishments, or for extending or altering the same.

Proceedings for condemnation of land.

SEC. 9. If in any case the said railway company can not acquire any lands necessary for the purpose aforesaid, it shall be lawful for said company to apply to the Clerk of the Superior Court of the county in which said land is situate, or some part thereof, in writing setting forth the facts and the name or names of the owner or owners of such land, whereupon said Clerk shall issue an order to the Sheriff of said county commanding him to summon three disinterested persons, qualified to act as jurors in said county, to assess under oath the damages and benefits of such condemnation, of which assessment the owner or owners must have ten days' notice, said committee shall report in writing to said Clerk, within five days thereafter the damages that will arise from such condemnation to the owners thereof, and the benefits peculiar to the owners that will accrue from the construction of said road; and the excess of damages over the benefits, shall be a first lien upon the property of said railway company, and such Clerk shall enter a judgment therefor in favor of the owners of



said land and against said railway company; and upon the payment of said judgment the land so condemned shall vest in railway company for the uses specified in such petition. The amount of land so condemned shall not exceed in any case for the purposes of right of way more than fifty feet on either side of the middle of the track: nor more than two acres for the construction and erection of any depot, station-house, warehouse, or other necessary establishment: *Provided, however,* that either party may within ten days after the filing of said report file exceptions thereto, which exceptions shall be heard by the Clerk, from whose rulings either party may appeal to the Superior Court and from the Superior Court to the Supreme Court. Right of way, etc.  
Proviso.

SEC. 10. Upon the filing of the report by the committee as provided for in the next preceding section, the said railway company may pay into the office of the Superior Court of said county, the amount of the damages in excess of the benefits, and upon such payment may proceed to enter upon said land and to erect and construct such right of way, road-bed, depot, station-house, warehouse or other necessary establishments, notwithstanding any exceptions thereto, or appeal therefrom, or of right to except thereto or appeal therefrom. Payment of  
damages and  
entrance upon  
and possession of  
lands.

SEC. 11. That said company may begin the construction and operation of said railroad at any place or places along its route, and may have five years from the ratification of this act in which to begin the construction of said railroad.

SEC. 12. Until otherwise provided by the by-laws all meetings of the corporators, stockholders or directors shall be, on a written notice signed by at least three of the corporators, fifteen days prior thereto, to all corporators or stockholders, which notice may be served by mail. This act shall be in force from and after its ratification. Read three several times in each House of the General Assembly, and passed three several readings, which readings have been on three different days, and agreed to by each House respectively, and the yeas and nays on the second and third readings have been entered on the Journal of each House, and ratified this the .... day of ....., 1901. Stockholders'  
meetings, notice  
of.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 298.

AN ACT TO AMEND THE CHARTER OF BENSON, CHAPTER  
155 OF PRIVATE LAWS 1887.*The General Assembly of North Carolina do enact:*

Chapter 155, Private Laws of 1887, relative to charter of Benson, amended.

SECTION 1. That chapter one hundred and fifty-five (155), Private Laws of one thousand eight hundred and eighty-seven (1887), be and the same is hereby amended as follows: In lines three (3) and five (5) of section two (2), after the word "mile" insert "two hundred feet." and in lines seven (7), nine (9) and twelve (12) of said section, after the word "mile" insert the words "four hundred (400) feet."

Section 21 amended.

SEC. 2. That section twenty-one (21) of said chapter be amended by striking out "thirty" in line six (6) thereof and insert "fifty," and in line eight (8) of said section strike out "dollar" and insert in lieu thereof "one and one-half dollars."

Section 22 stricken out and following submitted, relative to subjects of taxation, and license taxes.

SEC. 3. Strike out section twenty-two (22) of said chapter one hundred and fifty-five (155) and insert in lieu thereof the following: "That in addition to the subjects of taxation mentioned in the preceding section, twenty-one (21), the Commissioners shall have power to levy and collect a tax of one-half (1-2) of one (1) per centum on all solvent credits, investments in bonds, stocks of any kind or in any joint stock company. They shall also have power and are hereby empowered and authorized to impose and collect a license tax not exceeding fifty dollars (\$50.00) per year, on the following trades, business, occupations and professions: (1) Every auctioneer (any person who shall cry any goods, merchandise or other thing of value for sale to the highest bidder), butcher, every market or stall for sale of fresh meats or fish, barber shop, harness or saddlery shop, cabinet-maker, billiard, pool or bagatelle table, dentist, lawyer, physician, druggist or apothecary, public dray (cart or wagon), itinerant merchant (peddler), distiller of fruit or grain or turpentine, photographer or other artist making human likeness, or enlarging those already made, or soliciting orders for such enlarging, by whatever process, every express company having an office or doing business in Benson, every flying jinny or merry-go-round within the corporate limits, or within one mile thereof, hotel, restaurant, boarding-house, insurance agent (any person soliciting business or writing policies for any life, fire, accident insurance company), optician, phrenologist, traveling agent or salesman disposing of any goods, wares or merchandise or privilege of whatever name or description not herein enumerated and taxed, by whatever means, fraud or subterfuge the sale may be endeavored to be concealed, every fertilizer agent, sewing machine agent, dealer in sewing

machines, land agent doing business in Benson, livery stable, lumber yard, saw-mill, cotton-gin, grist-mill, merchant or flouring-mill, manufacturer of tobacco flues, blacksmith shop, wood shop, railroad company having an office in corporate limits, dealer in spirituous, vinous or malt liquors, tobacco warehouse, dealer in leaf tobacco, jeweler, watch repairer, dealer in clocks and watches: *Provided*, that no person shall be required to pay but one license to do or carry on one or all of the last-named trades (jeweler, watch repairer, dealer in clocks and watches). Every merchant, grocer, or vendor of goods, wares or merchandise; every habitual horse-trader who plies his trade within the town or within one mile of the corporate limits. (2) On every theatrical or stage player, each person or company, fortune-teller, sleight-of-hand performer, minstrel troupe, instrumental or vocal concert company, exhibitions of artificial or natural curiosities, rope or wire dancer, circus or menagerie, within the corporate limits or within one mile thereof; said town Commissioners may impose and collect a license tax not to exceed ten dollars (\$10.00) for each day's performance, whether such exhibition or performance shall be free of charge or for pay. (3) No person, company or corporation shall voluntarily offer any merchandise for sale at public auction within the corporate limits without first obtaining from the Town Commissioners a license to do so, for which license said Commissioners may collect a tax not exceeding ten dollars (\$10.00) per day or fraction thereof. (4) That any person who shall exercise any trade, occupation or calling or do any of the acts hereby authorized to be licensed, without first obtaining a license, if required by the Commissioners to do so, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor imprisoned not longer than thirty (30) days, and for each day such violation continues after such taxes shall be demanded by the duly appointed Tax Collector, such offender shall be guilty of a separate offence, punishable as for the first.

License for public auction.

Penalty for exercising licensed trade, etc., without license.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 299.

### AN ACT TO INCORPORATE THE TOWN OF CLARKTON, IN THE COUNTY OF BLADEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Clarkton, in the county of Bladen, is hereby incorporated by the name of Clarkton, and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Town of Clarkton incorporated.

**Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Beginning at a post by the Whiteville Road near Mears' tobacco barn, and runs east to the southwest corner of Currie Bros.' farm; thence with their northeast line to S. A. L. R. R., at Cromartie's brickyard, and continuing the same course to the public road, near J. M. Johnston's; thence north with this road to G. L. Clark's and A. S. McCallum's corner, on the Elizabethton Road; thence west in a direct line to a post by the road in front of Furney Brown's house, near J. M. McLeod's corner; thence southwest to a post by the Abbottsburg Road, about fifty yards north of Gaston Hester's house; thence southwest to Sandy Burney's south corner; thence southeast to the beginning corner, near Mears' tobacco barn.

**Elections, when held.** SEC. 3. An election shall be held in said town on the first Monday in April, one thousand nine hundred and one, and annually thereafter on each successive year, for a Mayor, three Commissioners and a Marshal, and any person within said corporate limits and entitled to vote for members of the General Assembly may vote at said election.

**Officers.**  
**Qualifications of voters.**

**Town council, powers of.** SEC. 4. That the Mayor, Commissioners and Marshal shall form a council, and may make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution and laws of North Carolina, or of the United States.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 300.

#### AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND EIGHTY-SEVEN IN RELATION TO THE GOVERNMENT OF THE TOWN OF KERNERSVILLE.

*The General Assembly of North Carolina do enact:*

Chapter 137 of Private Laws of 1887, relating to government of town of Kernersville, amended.

**Division into wards.**

SECTION 1. That chapter one hundred and thirty-seven of the Private Laws of eighteen hundred and eighty-seven be and the same is hereby amended as follows: After the last word in section three, add the following words, to-wit: "And the town of Kernersville shall be and the same hereby is divided into two separate wards or voting precincts by the following line: Beginning at a point on southern side of town where the High Point Road and corporation limits intersect; thence with said High

Point Road to the intersection of the High Point and Greensboro Road on the south side of the railroad crossing; thence with the Greensboro Road to the intersection of said Greensboro Road with Broad Street; thence with Broad Street to a stone, being the east corner of B. J. Sapp's lot; thence with the said B. J. Sapp's line running a northwesterly direction to the next corner; thence in a continuing straight line to Main Street; thence with Main Street to where Main Street is intersected by the alley which runs between the residences of J. M. Guyer and T. J. Willis; thence with said alley to the center of its intersection with Cherry Street; thence in a straight line running westwardly to the intersection of Tanyard Street and Harmon's Little Mill Road, near the shop of D. W. Lash; thence with said Little Mill Road to the corporation limits. That the ward on southern side of town, in which is situated the Kernersville High School building, shall be known as ward number one (1), and that the ward on northeastern side, through which the railroad runs shall be known as ward number two (2)."

SEC. 2. That section four of said chapter be and the same hereby is repealed, and in lieu thereof substituted the following, to-wit: "That on the first Monday in May of every year, in each of the wards above described, an election by ballot shall be held, in which elections Commissioners for the town of Kernersville shall be chosen. These Commissioners shall be five in number, and ward number one (1) shall elect three (3), and ward number two (2) shall elect two (2). The Board of Commissioners thus elected shall immediately after its organization elect a Mayor for the town of Kernersville, whose term of office shall be one year, or until his successor is elected and qualified. They shall at the same time elect a Constable, Secretary and Treasurer to hold their offices for one year, or until their successors are ready to be installed; and it shall be the duty of the Mayor to give notice of the elections ten days previous thereto by posters, written or printed and posted at two public places in each ward. And it is hereby provided that in the event of a tie between two candidates for the office of Commissioner in either ward, those Commissioners or that Commissioner in the ward in which such tie occurs, whose election is ascertained shall have power to appoint an associate."

SEC. 3. All parts of chapter one hundred and thirty-seven of the Private Acts of eighteen hundred and eighty-seven, such as are in conflict with this amendment are hereby repealed, all other portions to remain in full force and effect.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

Section 4 repealed and the following substituted.

Elections, when held.

Commissioners, number of; apportionment.

Election of mayor and other officers.

Notice of election.

Provisions for appointment of commissioners in case of tie.

Conflicting parts of Chapter 137, Private Acts 1887, repealed.

## CHAPTER 301.

## AN ACT TO INCORPORATE THE SALISBURY LIGHT AND POWER COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

Name.

Existence.

Powers.

SECTION 1. That Julian S. Carr, James H. Cutter, M. S. Brown, A. H. Boyden and John S. Henderson, their associates, successors and assigns, are hereby created and declared a body politic and corporate under the name and style of the "Salisbury Light and Power Company," for a term of sixty (60) years from this date, and by that name may sue and be sued, plead and be impleaded, make and use a corporate seal, and alter the same at pleasure, contract and be contracted with, and be capable of purchasing, holding, buying, selling, leasing, building and operating gas plants, street railway, electric railways and electric light systems, and telephone and telegraph lines in the State of North Carolina, or out of the State, for the purpose of transporting persons and property, using electricity or steam as the motive power, and for the purpose of manufacturing light, heat and power, made from or by the use of gas, electricity, coal, oil, steam and water, or any other product or material for any or all of said purposes, and to do all and everything necessary and incident to the carrying on and the conduct of the business, and enjoy all rights and privileges conferred by law upon corporations, and in particular to have all the powers authorized to be conferred upon street railway companies under the general law, relating to corporations, and to street railway companies.

Capital stock.

Power to negotiate loans.

Privileges and powers.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, with liberty to increase the same at any time, to any sum not exceeding one million dollars, and the company may receive in payment for its capital stock, money, property, franchises, or services on such terms as the directors shall fix, and the company shall have the right to borrow money, to make, dispose of, and negotiate its promissory notes, drafts, or bonds, and to mortgage its property or any part thereof, franchises and effects to secure their payment.

SEC. 3. That said company shall have the right and the power to obtain and acquire franchises of any kind and description for the purpose of erecting and establishing, owning, leasing, building, buying and operating gas, electric light plants, electric railways and street railways, telephone and telegraph lines, and all or either of them in any county, town, village or city, whenever the proper county, city or town officers shall see fit to grant said franchises to said company. That said company shall have the

right to acquire by purchase or otherwise any franchise or franchises already or hereafter granted by any county, town, city or other municipality in the State, to individuals or corporations for any gas or electric light, electric railway or street railway plants, telephone and telegraph lines, or all, or either of them, and to acquire by purchase or otherwise any gas or electric plants, or electric or street railways, telephone or telegraph lines in existence, or that may come into existence hereafter.

SEC. 4. That the principal place of business of the company shall be Salisbury, North Carolina, but the stockholders may meet at any place in the State, other than Salisbury, as the by-laws of the corporation may provide: *Provided*, that the annual meeting shall be held in Salisbury, N. C.

Principal place of business.

SEC. 5. That the Board of Directors of said company may make any and all by-laws rules and regulations for the government of said company, and elect such officers and employees as they may think proper, and fix their terms and salaries: *Provided*, the same is not in conflict with this act, that any stockholder of said company shall be eligible to the position of director; that said Board of Directors shall have the power and rights incident and necessary to carry out the purposes of this charter; that the principal officers of the company shall be a president, secretary and treasurer, and any of the stockholders are eligible to these position; but the secretary and treasurer need not necessarily be stockholders of the corporation.

By-laws and rules.

Proviso.

Board of directors, powers and rights.  
Officers.

SEC. 6. That the Board of Directors shall be elected at the annual meeting of the stockholders, which annual meeting shall be provided for in the by-laws of the company; and said directors shall hold their offices for the term of one year, and until their successors are elected.

Board of directors, election of, term of office.

SEC. 7. That the stockholders of the company shall not be individually liable for any of its torts, debts, contracts or obligations of any kind whatsoever.

Liability of stockholders.

SEC. 8. That before beginning the construction or erection of any gas plant, electric or street railway, electric light plant, telephone or telegraph line in any city, town or county, permission shall first be obtained from the Board of Aldermen or Commissioners of such city, county or town.

Permission from authorities.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 302.

## AN ACT TO INCORPORATE THE WELDON BRIDGE, STEAM-BOAT AND FERRY COMPANY, AT WELDON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That James T. Gooch, William T. Shaw, Peter N. Stainback, William A. Pierce, Wm. H. S. Burgwyn, T. Cranmer Harrison, William M. Cohen, together with all other persons and corporators as may become stockholders in the corporation hereby chartered, are hereby constituted a body corporate and politic, by
Name.	and under the name of "The Weldon Bridge, Ferry and Steam-
Powers.	boat Company," by which name the said corporation may sue and be sued, appear, prosecute and defend in any court or place whatsoever, and have and use a common seal; may break and renew the same at will, and may make, establish, and put in execution such by-laws not inconsistent with the laws of North Carolina, or of the United States, as may be desirable or necessary for the regulation and management of its affairs. It shall have succession for sixty years, and is hereby empowered to buy, hold, use, sell, and convey all such real and personal property, and do all such acts and things as may be necessary to carry into effect the provisions of this act; and shall have, enjoy, and exercise all the powers, rights, privileges, liberties, immunities and franchises usually pertaining to a toll bridge, ferry and steamboat company, under the laws of North Carolina.
Existence.	
Privileges and powers	
Capital stock.	SEC. 2. The capital stock of said company shall be ten thousand
Shares.	dollars (\$10,000), divided into shares of one hundred dollars
Increase of stock.	(\$100.00) each, with the right to increase the same from time to time to any amount required for the purposes of its organization, not exceeding one million dollars (\$1,000,000), by a vote of two-thirds of its stockholders at a meeting called for that purpose, notice of said meeting to be given thirty days prior to its assembling by publication in the papers or by mail; and it shall be lawful for said corporation to accept real estate, promissory notes, stocks and bonds of other corporations and of municipal, township and county corporators, labor and articles of value at a fair valuation in payment of subscriptions to its capital stock, and said corporation may subscribe to, pay for, hold and possess, stocks, securities and properties of other corporations; its shares shall be non-assessable, and each stockholder shall be individually liable for the debts of the corporation to an amount equal to his unpaid subscription and no more.
Maximum amount of stock.	
Subscription to stock.	
Power to subscribe to, pay for, etc., stock of other companies.	
Liability of stockholders.	
Board of directors and president, powers of.	SEC. 3. The affairs of this corporation shall be governed and managed by a board of not less than five nor more than fifteen



directors and a president elected by said directors. These directors shall be elected by the stockholders annually, who shall hold their office for one year and until their successors have been appointed and qualified. Directors, election of, term of office.

SEC. 4. The president and directors aforesaid and their successors in office shall have power to make all by-laws, not contrary to law for the regulation of the affairs and management of the company and for making calls upon the stock subscribed and enforcing the payment of the same. By-laws and rules.

SEC. 5. Said corporation, its successors and assigns, are hereby given the power to build and maintain a toll bridge across the Roanoke, so as to connect its Halifax with its Northampton County side, and to construct and operate a ferry across said river at any point on the same in the said counties of Halifax and Northampton, embraced between a point on the Halifax side of said river two miles westerly and a point two miles easterly from the corporate limits of the town of Weldon as said corporate limits bind on said river, and from the place so selected to build said bridge and operate said ferry across said river to the Northampton side of the same; and said corporation is hereby empowered to purchase, build or lease and operate a steamboat line on the waters of said river and its connections and its affluence into the Atlantic Ocean, and on the various watercourses and sounds in the State; and to make all proper rules and regulations for the operation, preservation and guardianship of said bridge, ferry and steamboat line, and to own, make, and keep up all roads, causeways, wharves, landings, and approaches thereto and other conveniences necessary for the successful operation of said bridge, ferry and steamboat line; and said company, its successors and assigns, shall have power to exact tolls, ferriage, fees, fares General business powers. and freight charges from persons and property passing over said bridge, or transported across said ferry, or on said steamboat lines, not inconsistent with the laws of North Carolina; and said tolls and ferriage for persons and property passing over said bridge and for transportation across said ferry shall not exceed the following, the same to be charged and collected at the gates on person and property passing over said bridge, and at the landing from persons and property using said ferry, to-wit: For each foot passenger, five cents each way; for each four-footed animal, ten cents each way; for each person on horseback, fifteen cents each way; for each one-horse buggy and driver, fifteen cents each way; for each one-horse cart or wagon and driver, twenty cents each way; for each two-horse buggy and driver, twenty cents each way; for each two-horse carriage, cart or wagon and driver, twenty-five cents each way; for each passenger in cart, wagon, buggy or carriage, or other vehicle, in excess of the driver, five cents each way. Toll rates

Unlawful to build bridge across or operate ferry on Roanoke river for hire within limits prescribed.

Penalty.

Certain powers and privileges specified.

Eminent domain.

To take and hold voluntary grants of real estate.

To purchase and hold necessary lands.

To lay out roads, etc.

To act as a common carrier.

To erect necessary buildings, etc.

To fix regulations for freight carriage on steamboat lines.

SEC. 6. And it shall be unlawful for any unauthorized person or corporation to build a bridge across said Roanoke River for the purpose of transporting any person or his effects across the same, or to operate a ferry across said river, or to transport for pay any person or his effects across said river within the limits allowed this corporation by this act; and any person or corporation violating the provisions of this act shall forfeit and pay to said corporation, its successors and assigns two dollars for every such offence, to be recovered by action at law before a Justice of the Peace.

SEC. 7. For the purpose of constructing, maintaining and operating said bridge, ferry and steamboat line, said corporation is hereby empowered—

1st. To cause such examinations and surveys to be made as shall be necessary to the selection of the most advantageous location for said bridge and ferry, and route for said steamboat line; and for such purpose it is hereby empowered by its officers, agents, servants, and employees to enter upon the lands and waters of other persons for that purpose.

2d. To accept and hold such voluntary grants of real estate or other property as may be made to it in aid of the construction, maintenance, accommodation and operation of said bridge, ferry and steamboat line.

3d. To purchase, hold, improve and use all such real estate and other property as may be necessary for the construction and maintenance of said bridge, landings, wharves, docks and terminal facilities and all other accommodations necessary to accomplish the objects of its incorporation, and to sell lease and buy land necessary for its use, not exceeding five thousand acres.

4th. To lay out its roads and causeways not exceeding one hundred feet wide and construct the same; and for the purpose of cutting material for any embankment, and for obtaining gravel or other material, may take so much land as may be necessary for the construction, operation and security of said roads and causeways.

5th. To take and convey persons and property over said bridge or ferry or steamboat line by the use of steam, electricity or other mechanical power, and to exact compensation therefor.

6th. To erect and maintain convenient buildings, landings, wharves, docks, stations, fixtures and machinery, steam, electricity or otherwise for the accommodation and use of its passengers and freight business.

7th. To regulate the times, methods and manner in which passengers and freights shall be transported on its steamboat lines, and the compensation to be paid therefor, subject to all laws of the State upon the matter.

8th. To borrow such sum or sums of money and upon such terms as said company shall authorize or agree upon with the other contracting parties, as may be necessary or expedient, and said corporation may issue its promissory notes and execute such deeds of mortgage and of trust on its roads, bridges and other properties as may be necessary as security for the repayment of said sums so borrowed.

To negotiate loans.

SEC. 8. When any land, material or right of way, and especially the abandoned pillars of the railroad bridge formerly used by the Petersburg and Weldon Railroad Company, over said river below Weldon, may be required by said company for the purpose of constructing and operating its said bridge, ferry and steamboat line, and for want of agreement as to the value thereof, or for any other cause, the same can not be purchased from the owner or owners, the said corporation shall have all the rights, powers and privileges for the condemnation of land for the right of way and said abandoned railroad pillars conferred by the General Laws of North Carolina by The Code, volume one, chapters thirty-eight and forty-nine, relating to the condemnation of land, etc., for railroad and telegraph companies, and especially all those rights, powers and privileges conferred by said Code, volume one, chapter thirty-eight, sections sixteen hundred and ninety-eight to section seventeen hundred and seven inclusive, and by chapter forty-nine, sections nineteen hundred and forty-three to nineteen hundred and fifty-eight inclusive, and by section nineteen hundred and seventy-four, sections nineteen hundred and eighty-eight to nineteen ninety-three inclusive, and sections nineteen hundred and ninety-six to section two thousand inclusive; and by sections two thousand and seven to section two thousand and thirteen inclusive.

Proceedings for condemnation of lands.

SEC. 9. The Town Commissioners of Weldon, Halifax County, are hereby authorized to subscribe to the capital stock of said corporation to an amount not exceeding thirty thousand dollars, and to issue its bonds in payment of the same upon the terms and according to the provisions of the act of the General Assembly of North Carolina, chapter one hundred and fifteen of the Private Laws of eighteen hundred and ninety-seven, appearing on pages 162 and 163 of the printed volume entitled "Public Laws of North Carolina for the Session 1897."

Commissioners of Weldon authorized to subscribe to capital stock and to issue bonds under provisions of Chapter 115, Laws of 1897.

SEC. 10. Said corporation shall have the power to build and operate a street railway, motor line, tramway, telegraph and telephone line, electric light and power plant along its roadway and over its bridge, and to charge, receive and collect tolls and rates for the use of the same by the general public. Said corporation also shall have power to purchase, acquire by lease, rent, own, hold and improve real property in such quantities as may be deemed expedient, not exceeding five thousand acres; to build

Privileges and powers.

Principal place of business.

dwelling houses, to build and operate stores, mills, schools, factories, warehouses and any and all buildings or structures desirable, and to sell and dispose of the same; to lay out and plot any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites, parks and other convenient forms; and to lay out, plot and dedicate to public uses, streets, avenues, alleys and parks, and to establish water-works, a sewerage system, and other municipal conveniences.

SEC. 11. The principal office of the corporation shall be at Weldon, Halifax County, North Carolina, or at such place in North Carolina, as the corporation shall prescribe.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

CHAPTER 303.

AN ACT TO INCORPORATE "THE GREENVILLE AND VANCEBORO RAILROAD COMPANY."

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. D. Cox, J. L. Fleming, O. G. Calhoun, G. C. Cole, L. I. Moore and C. B. Phillips, all of the county of Pitt, and such other persons, or corporations, as may now or hereafter be associated with them, their successors and assigns, are hereby created and constituted a body politic and corporate for a term of fifty years, under the name and style of the "Greenville and Vanceboro Railroad Company," and by that name may sue and be sued, plead and be impleaded, may adopt a common seal and alter and change the same at the will of the said company.

Corporate existence.  
Name.  
Powers.

SEC. 2. That said company shall have and is hereby given the right and power to locate, contract, equip, maintain and operate a railroad, with one or more tracks, from a point near the Kinston and Scotland Neck branch of the Wilmington and Weldon Railroad, just south of the town of Greenville, in the county of Pitt, in this State, through said county of Pitt and the county of Craven, by such line as may be adopted by said company, to a point in or near the town of Vanceboro, in Craven County, said State, and thence through the county of Craven to a point on the Neuse River, in, at or near the town of New Bern, in said county of Craven, and may build branch roads running out from the main line, not exceeding twenty-five miles in length; that said road and branches may be of such gauge as the

General business powers.

company may select and may be changed at any time; that said company shall have the power to build, own and operate, in connection with said road, steamboats, either for towing or carrying freight or passengers, or both, if said company shall so desire; that said company may contract with any firm, person, or corporation to carry logs or timber, agricultural products, fertilizers, farm supplies, merchandise, etc., for hire, subject to the laws of North Carolina, and shall have power at its election to become a common carrier of all freight and passengers subject to the laws of said State; that said road and branches may be taken up by said company at any time it may elect; that said roads may be operated either by steam or electricity.

SEC. 3. That the said company shall have full power to locate, construct, equip and operate telephone lines, or telegraph lines, in or through the counties of Pitt and Craven, with full power as given herein for the construction and operation of the said railroad, and make such traffic arrangements with other telegraph or telephone lines as it may desire, not inconsistent with the laws of the State of North Carolina, and may charge for the use of said line or lines such tolls as the said company may fix, not inconsistent with the laws of the State of North Carolina.

Privileges and powers.

SEC. 4. That the said company may subscribe to the capital stock of any other corporation now in existence, or hereafter projected in this State, or elsewhere, and may hold shares in the same. It may buy, sell, own, hold and deal in real estate, standing trees or lumber, lumber material and supplies, and all other goods, wares and merchandise of any and all kinds; it may build, own, equip and operate saw-mills, planing mills, shingle mills, dry-kilns, boarding-houses, and all other buildings, mills, machinery, apparatus, necessary and convenient for the conduct of any part of its business; it may contract to cut and remove timber from any lands adjacent to its road or branches therefrom, and may build branch roads in any timber land it may own or from which it may contract to remove the timber, and remove the said branch lines at pleasure.

Privileges and powers.

SEC. 5. That the said corporation shall be capable of acquiring by purchase, gift or otherwise, and of holding, leasing, conveying or mortgaging property, real, personal or mixed, and may own and hold standing and growing timber and timber lands in excess of three hundred acres, but not exceeding one hundred thousand acres; that the said company shall have and enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and may make all necessary by-laws for its government, not inconsistent with the Constitution and laws of the United States and the State of North Carolina.

SEC. 6. That the capital stock of said company shall consist of fifty thousand dollars, divided into five hundred shares of the par

Capital stock.

- Shares. value of one hundred dollars each, which said stock may be subscribed in land, material, labor, money or bonds. That the capital stock may be increased at any time by a vote of a majority of the stockholders to an amount not exceeding three hundred and fifty thousand dollars.
- Increase of stock.
- Organization. SEC. 7. That when the sum of twenty thousand dollars has been subscribed to the capital stock of the said company and ten per centum thereof has been paid in, a general meeting of the stockholders shall be held, after five days' notice to the subscribers. That at such general meeting the stockholders (the majority of the stock being represented in person or by proxy) shall elect a Board of Directors, to consist of not less than three and not more than nine, and shall elect one of the said directors as president of said company, and may do and perform all other acts necessary and proper to complete the organization of the said company and to carry into effect the object of this charter, in accordance with the direction of the stockholders. That in all stockholders' meetings each share of stock shall be entitled to one vote.
- Board of Directors, election of and powers. That immediately after the general meeting of the stockholders, the directors elected at such stockholders' meeting shall meet and elect such other officers for the said company as the by-laws may prescribe. That there shall be annual meetings of the stockholders to be held at such time and place as the stockholders may designate, and at such annual meetings the president and directors shall be elected, who shall hold office for one year, and until their successors are elected and qualified.
- Stock, how voted.
- Officers, election of.
- Stockholders' meetings.
- Power to negotiate loans. SEC. 8. That the said company shall have power to lease its franchises or any part thereof for such time and upon such terms as the stockholders may think advantageous to the interest of the company. That the president and directors of said company shall have power at any time to borrow money upon the bonds of the said company, and to secure the same by mortgage or other legal securities. That the said company shall have full power and it is hereby authorized to use any section of the road constructed by it before the whole of the said road shall be completed.
- Eminent domain. SEC. 9. That it shall be lawful for any officer, agent, surveyor, engineer or employee of said company to enter at all times upon all lands or waters for the purpose of exploring, leveling or doing anything necessary or proper to be done for laying out the said road and locating the same, and for the purpose of erecting all necessary works and buildings required in this behalf, paying for all injury to private property, whenever any land is required in the construction of its road or any of its branch lines, rights of way, warehouses, depots, water stations, turnouts, workshops or for other building purposes; and when the company and the

owner of land shall be unable to agree on the value thereof, the company may in the prosecution of its work, enter upon said land, and either party may have the value of the land thus occupied or needed, ascertained and determined in the following manner: Application may be made by either party in writing to the Clerk of the Superior Court in the county where the land lies, setting forth the location and a minute description of the same, and the Clerk shall thereupon issue his order in writing to the Sheriff of said county commanding him to summon three disinterested freeholders of the said county, who, after being duly sworn, shall meet on the premises at some agreed time within three days from the time of being summoned and assess the damages to the land of the owner of said land and shall in estimating said damages take into consideration any benefit to the owner from the construction of the road. Said freeholders shall make report in writing to the said Clerk within ten days from the time of meeting, and said report shall be recorded by the Clerk, and he shall file all papers in the cause in his office; upon the payment to the owner or to the Clerk for him the amount so assessed, the easement to the land described in the petition shall vest in said company: *Provided*, either party may have the right to appeal from such finding of the freeholders to the Superior Court of said county, which appeal shall be governed by the law relating to appeals from the Clerk.

SEC. 10. That in addition to the powers herein given the said corporation shall have all the powers and authority of other railroad companies in this State in regard to the condemnation of lands for rights of way, depots, warehouses, shops and houses for servants, employees, and other purposes as provided by the laws of North Carolina for other railroad companies.

Condemnation of lands.

SEC. 11. Any company incorporated under the laws of this or any other State may subscribe to or acquire and hold shares of the capital of this company, with the right to vote the same, or to transfer and assign the same, and the company hereby incorporated shall have the right to consolidate with any other railroad company incorporated under the laws of this or any adjoining State upon such terms as may be agreed upon between the companies so consolidating: *Provided, however*, that the company hereby incorporated shall always be and remain a corporation of the State of North Carolina, with its principal place of business at Greenville, North Carolina.

Holding of stock by other companies and consolidation with same.

Proviso.

Principal place of business.

SEC. 12. That said company shall have power to lease or sell any railroad that may be constructed by it to any other railroad company operating in North Carolina, and any other such railroad company shall have the power to lease or buy from this company any such railroad as may be constructed by it.

Power to lease or sell to other railroad, or to lease or buy other railroad.

Exemption from  
filing of maps.

SEC. 13. That it shall not be necessary for the said company to file in the office of the Clerk of the Superior Court of either Pitt or Craven counties any map or profile of the route intended to be adopted by such company in constructing said road or any part thereof. It shall not be necessary for the said company to make and file in the office of the Register of Deeds of the said counties any map or profile of said road and the land taken or obtained for the use thereof, unless the said company elects to become a common carrier of freight and passengers as herein provided, in which event the said maps and profile shall be filed.

Liability of stock-  
holders.

SEC. 14. That the stockholders shall not be individually liable for the debts, contracts and agreements of the said company.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

CHAPTER 304.

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ISSUE SCHOOL BONDS.

*The General Assembly of North Carolina do enact:*

Bond issue au-  
thorized, with  
amount of, rate  
of interest, when  
payable,  
maturity.

SECTION 1. That the Aldermen of the city of Durham be and the same are hereby authorized to issue coupon bonds not to exceed in amount the sum of fifty thousand dollars, and in denominations of not less than \$25.00, nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per cent per annum, and payable semi-annually on the first day of January and first day of July of each year, until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by said Aldermen and named therein, not to be less than three nor more than twenty-five years from date thereof: *Provided, however,* that the said Aldermen of the city of Durham

Bonds, classes of.

may divide said bonds into classes as they may determine best and have them mature at different convenient dates between the limits aforesaid; it is further enacted that said bonds and their coupons shall be numbered and the bonds shall be signed by the Mayor of the city of Durham and countersigned by the clerk of the Board of Aldermen of the said city, and have the corporate seal of said city affixed thereto; and the coupons thereto attached shall be signed by the Mayor of the said city; that a record shall be kept of the said bonds, showing the numbers and denomina-

Bonds, how num-  
bered, etc.



tions thereof, and to whom sold, the dates of issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of the same, and the date of paying the proceeds into the treasury of said city, and such other data in relation to the same as the Board of Aldermen may direct to be kept.

SEC. 2. That the bonds hereby authorized to be issued shall not be sold for less than their face value and the Mayor of said city shall not deliver said bonds or any of them to the purchaser thereof until the purchase-money thereof shall be paid to the Treasurer of said city, and his receipt to the purchaser produced before the Mayor as evidence of such payment; and the Treasurer of the city shall receive all such moneys paid in the purchase of the bonds in his official capacity as Treasurer of said city, and the sureties of his official bond shall be liable to account for, and pay over the same as provided by the laws relating to the Treasurer of the said city of Durham; and it shall be the duty of the Board of Aldermen of the said city of Durham to see to it that the bond of said Treasurer shall be at all times sufficient in amount, and with satisfactory sureties, to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said Treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from his office as Treasurer.

Sale of bonds,  
provisions for.

Bond of treasurer.

SEC. 3. That the Treasurer of the city of Durham shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds and the same shall be expended by the school committee of the city of Durham, Durham County (the body corporate created by and existing under chapter eighty-six, Laws of one thousand eight hundred and eighty-seven, entitled "An act in relation to the public schools in the town of Durham"), and said money shall be expended in the purchase of one or more lots or parcels of land in the city of Durham, and the erection thereon of suitable buildings (either or both of these as the said school committee may deem best) and in furnishing the same with necessary equipment and furniture for the accommodation of the public schools of the city of Durham, and for such other purposes as the said school committee may order the same to be disbursed: *Provided, however,* this act shall be submitted to the qualified voters of said city of Durham for their ratification or rejection at an election to be held in said city at such a time as the Aldermen may appoint within six months of the ratification of this act; the said election shall be advertised by the said Board of Aldermen of the said city of Durham for thirty days prior to the day of election in one or more newspapers published in said city, and the said election

Fund from bond  
sale; by whom  
received, and how  
and for what pur-  
poses disbursed.

Question of bond  
issue to be sub-  
mitted to voters.

Election, how held.

shall be held under the supervision of inspectors and poll holders or judges of election appointed by the said Board of Aldermen, and the returns of the result of said election be made and certified in like manner as all other elections in said city, and in like manner the returns of said election, and the result thereof be canvassed by the said Board of Aldermen and the result declared. At the said election those who are in favor of issuing said bonds shall vote "For School Bonds," and those who are opposed shall vote "No School Bonds" on written or printed ballots; that the number of ballots cast for and against the said bonds and deposited in the ballot boxes provided for the purpose shall be counted and the result of the said election certified and returned to the said Board of Aldermen of the city of Durham, and the same, when canvassed and declared as aforesaid, shall be certified under the hands of the Mayor of the said city of Durham and the said clerk of the Board of Aldermen and the corporate seal of the said city of Durham to the Secretary of State, which said certificate of result of said election shall be filed by the Secretary of State in his office. If at said election a majority of the qualified voters of the city of Durham shall not vote "For School Bonds," then this act shall thereafter be of no force and effect, but if at the said election the ballots cast "For School Bonds" shall be a majority of the votes cast, and also a majority of the qualified voters of the city of Durham, then the said Board of Aldermen shall proceed at once to issue and sell bonds or so many thereof as shall be necessary in the judgment and discretion of said school committee of the city of Durham in Durham County, for the purposes aforesaid.

Count of votes and returns of election.

Declaration and certificate of result.

Sinking fund and payment of interest provided for by special tax.

SEC. 4. In order to pay the interest on said bonds and to create a sinking fund to pay the principal of said bonds at maturity the Board of Aldermen of the city of Durham shall levy and collect a special tax of eight (8) cents on every hundred dollars worth of taxable property in the city, and twenty-four (24) cents on every taxable poll, or so much thereof, and such other special taxes as may be necessary for that purpose, observing the equation of taxation between property and polls fixed by the Constitution for the purpose of State and county taxation, and the money paid into the said city treasury received from the taxes under this act shall be appropriated for the payment of said bonds and coupons and for no other purpose whatsoever: *Provided*, all the moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may then be transferred by order of said school committee to the general funds of said city of Durham

Trustee of fund, how appointed, duties and powers.

SEC. 5. The Board of Aldermen of the city of Durham may, if in their opinion at any time it becomes necessary or advisable, appoint a trustee, whose duty it shall be to receive from the Tax-

Collector of the city of Durham all taxes collected under this act for the purpose of paying the interest on said bonds and for creating a sinking fund to pay the principal of said bonds at maturity; and the said Board of Aldermen may prescribe the duty of said trustee, fix the amount of his compensation and the bond for the faithful performance of duty on his part. It shall be the duty of the said trustee to invest or lend the money coming into his hands for the purpose of creating a sinking fund in safe securities and upon real estate situated in the city of Durham: *Provided, however,* that no such investment or loan shall be made without the consent and approval of the Board of Aldermen of the city of Durham.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 305.

#### AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE BANK OF BEAUFORT," WHICH WAS RATIFIED MARCH 7, 1901.

WHEREAS, On the 7th day of March, A. D. 1901, there was ratified in the General Assembly of North Carolina an act, entitled "An act to incorporate the Bank of Beaufort;" and, Preamble.

WHEREAS, By mistake or inadvertence the word "Beaufort" is spelled "Beauford" in the caption of said act, and in other places in the body of said act it is misspelled; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Secretary of State be and he is hereby authorized and empowered to so correct an act, entitled "An act to Incorporate the Bank of Beaufort," ratified the 7th day of March, A. D. 1901, so that the word "Beauford" wherever it appears in said act, either in the caption or body of same, be made to read "Beaufort;" and said Secretary of State is authorized and directed to make such correction on any copy or manuscript in his office.

Act to incorporate Bank of Beaufort, passed this session, corrected.

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

In the General Assembly read three times and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 306.

## AN ACT SUPPLEMENTARY TO "AN ACT TO AMEND THE CHARTER OF THE TOWN OF GASTONIA, N. C."

*The General Assembly of North Carolina do enact:*

Question of additional bond issue for town of Gastonia to provide for additions to and extensions of, and to pay off and discharge the balance of the cost of the establishment and construction of electric light system and water-works and sewerage system, to be submitted to qualified voters.

Board may issue additional bonds in the manner provided in the charter if a majority of qualified voters favor it.

Proviso as to aggregate amount of bonds.

Former ordinances validated.

SECTION 1. That, notwithstanding the fact that the town of Gastonia has issued bonds in the sum of fifty thousand dollars (\$50,000.00) to procure funds with which to construct and establish a water-works and sewerage system, as provided by the charter of said town, and has issued bonds in the sum of fifteen thousand dollars (\$15,000.00) to procure funds with which to construct and establish an electric light system as provided in the charter of the said town, another election, or other elections, may be held by the Board of Aldermen of the said town, at such time or times as they may determine and in the manner provided in the charter of the town for ascertaining the will of the people of the town as to issuing bonds for the purpose of establishing water-works and sewerage and electric light systems, to ascertain the will of the people of the town as to issuing additional bonds of the town, in such amounts as the Board of Aldermen may name in the ordinances calling for such elections, for the purpose of securing funds with which to make additions or extensions to, and to pay off and discharge the balance of cost of, the establishment and construction of the said water-works and sewerage system and the said electric light system; and the Board of Aldermen of the said town may issue the said additional bonds in the name of the town in the manner provided in the charter of the town, if a majority of the qualified voters of the town shall express themselves in favor of such issue or issues of bonds in the manner provided in the charter of the town: *Provided*, the aggregate amount of bonds heretofore issued and hereafter to be issued under the authority of the charter of the town and of this act, for the purpose of establishing, constructing, making extensions or additions to, and paying off balance of cost of, the said water-works and sewerage system, shall not exceed the sum specified in the charter of the town, to-wit, sixty-five thousand dollars (\$65,000.00): *Provided further*, the aggregate amount of bonds heretofore issued and hereafter to be issued under the authority of the charter of the town, and of this act, for the purpose of establishing and constructing, making additions or extensions to, and paying off the balance of cost of the said electric light system, shall not exceed the sum specified in the charter of the town, to-wit, twenty-five thousand dollars (\$25,000.00).

SEC. 2. That any ordinances heretofore passed or adopted by the Board of Aldermen of the town of Gastonia providing for

the submission of the question of issuing such additional bonds as are provided for in this act to the voters of the town of Gastonia on the first Monday in May, 1901, are hereby validated and made of as full force as if the said ordinance had been passed and adopted by the said Board of Aldermen after the ratification of this act.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 307.

#### AN ACT TO AMEND SECTION 19 OF CHAPTER 331, PRIVATE LAWS OF 1895.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nineteen of chapter three hundred and thirty-one of Private Laws of eighteen hundred and ninety-five be amended by striking out all of said section after the word "determine" in line three, and inserting in lieu thereof the words "which shall not exceed fifty (50) dollars per annum."

Chapter 331, Private Laws of 1895, relating to charter of Goldsboro, amended.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 308.

#### AN ACT TO INCORPORATE THE CAPE FEAR FREEWILL BAPTIST CONFERENCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That R. C. Jackson, Cornelius W. Jackson, John A. Hodges, H. W. Jernigan, A. W. Gregory, J. F. Owen, John E. Wilson, and their associates, assigns and successors in office, be, and they are hereby created a body corporate under the style and name of the "Cape Fear Freewill Baptist Conference," with the power to sue and be sued, plead and be impleaded, to purchase, hold and convey property, with the right of perpetual succession.

Name.  
Powers,  
Existence.

Officers, rights  
and powers of.

SEC. 2. That the officers of the said Cape Fear Freewill Baptist Conference shall be and remain as they now are until their successors are elected, and that the said officers and conference shall have all rights, powers and authorities conferred by chapter 54, volume 2, of The Code of North Carolina.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 309.

#### AN ACT TO INCORPORATE CORINTHIAN LODGE, NO. 230, ANCIENT, FREE AND ACCEPTED MASONS, OF ROCKY MOUNT, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Names of incor-  
porators.

SECTION 1. That J. O. W. Gravely, W. L. Groom, Ralph Pitt, T. M. Arrington, J. C. Braswell, J. H. Thorp, Jno. L. Arrington, J. P. Daughtry, J. G. Synder, M. R. Braswell, D. Abram, L. V. Bassett, W. H. Whitehead, T. J. Hackney, C. C. Cooper, W. E. Jeffreys, E. G. Muse, G. L. Wimberly, Jr., F. D. Woodruff, C. W. Hammond, Williams Gay, R. D. Bulluck, L. D. Bulluck, S. W. Matthews, G. T. Matthews, J. M. Griffin, G. L. Parker, J. Thad. Gravely, S. P. Hilliard, J. B. Lewis, H. R. Thorp, their associates and successors, shall be and are hereby constituted a body corporate under the name and style of "Corinthian Lodge, No. 230, Ancient, Free and Accepted Masons, of Rocky Mount, N. C.," and by that name they shall have perpetual succession, and shall have a common seal, and be capable in law to sue and be sued, and plead and be impleaded in any court whatsoever.

Corporate name.

Corporate exist-  
ence and powers.

Powers as to  
contracts, pur-  
chase of real  
estate, etc.

SEC. 2. That said corporation shall have power to contract and be contracted with; and to acquire by gift, purchase, devise or bequest, real and personal property, and to hold, exchange, mortgage or sell the same.

Power to act as  
guardian or trustee  
for children of  
deceased mem-  
bers.

SEC. 3. That said corporation shall have power to act as guardian for the children of deceased members of said Corinthian Lodge, and to act as trustee for such children, and, as such, to receive, take, hold, manage, and convey any property or estate, real or personal, which shall in any way be committed to said corporation in trust as aforesaid.

Rules and  
by-laws.

SEC. 4. That said corporation shall have power to adopt such by-laws, rules and regulations, as may be deemed necessary for its

own government, or for the proper exercise of the powers hereinbefore conferred, when the same shall not be inconsistent with the laws of this State, or of the United States.

SEC. 5. That the corporate assent of said Corinthian Lodge, duly manifested by resolution adopted at any regular or special communication of said lodge, shall be evidenced in like manner, as provided by law in case of other private corporations. Corporate assent, how evidenced.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

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#### CHAPTER 310.

### AN ACT TO INCORPORATE THE SCOTLAND NECK AND ROANOKE RAILROAD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John P. Futrell, Claud Kitchin, B. F. Gray, W. F. Butterworth and such persons as may be associated with them, their successors and assigns, be and they are created a body politic and corporate under the name and style of the Scotland Neck and Roanoke Railroad Company, which shall have corporate succession and existence for a term of fifty years and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal and change the same at pleasure and be capable of taking and holding by purchase, gift or devise, or in any other manner, real and personal property, and of leasing, selling or conveying the same, or dealing with the same in any manner, and said corporation shall have and enjoy all privileges, rights and immunities which corporate bodies may lawfully exercise, and make all necessary by-laws for its government, or which its directors may deem proper and expedient, not inconsistent with the law. Names of incorporators.  
  
Corporate name.  
  
Corporate existence and powers.

SEC. 2. That the capital stock of said corporation shall be \$5,000, divided into shares of \$50 each with power and authority to the directors of said company to increase the same at any time to an amount not exceeding five hundred thousand dollars. Subscriptions to the capital stock may be made by individuals, corporations, counties, cities, towns or townships, and said subscription may be paid in money, labor, land, materials, cross-ties, Capital stock, shares of.  
  
Maximum amount of.  
  
Subscriptions for, how taken.

stocks, bond, or other securities, or in any other way they may be agreed upon between the company and the subscribers, and the company may receive donations of any kind of property or labor.

Books of subscription, how and by whom opened.

SEC. 3. That the incorporators or any two of them, in person or by attorney, shall have the power to open books of subscription to the capital stock of the said company, at such time and places as they may deem best, and keep the same open as long as they may deem expedient; that whenever the sum of \$5,000 be subscribed to the capital stock of said company, the incorporators may, when they deem proper, after ten days' notice by mail to the subscribers, call together the subscribers of said shares of stock at any place in or out of the State, and said subscribers shall then complete the organization of the corporation by electing a board of not less than three nor more than nine directors, and at such meeting, and at all meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of such shares or by proxy, verified as the by-laws adopted may prescribe, and at all stockholders' meetings, a majority of the stock subscribed shall constitute a quorum, and said stockholders shall adopt by-laws prescribed for the government of said corporation, and the Board of Directors so elected shall meet at such time and place as may be agreed upon, and elect from their number a president and elect such other officers as the by-laws may prescribe, or that they may deem necessary, and may do and perform all other acts that they may deem necessary to carry into effect the object of this charter.

Company may organize, when.

Stockholders' meetings.

President and other officers, how elected, etc.

Power to construct railroad.

Termini of road, where to be situated.

SEC. 4. That said company shall have a right to construct and is hereby authorized and empowered to construct, operate and maintain a railroad with one or more tracks, standard gauge or otherwise by such route as may be deemed most advantageous and expedient, from any point at or near the town of Scotland Neck, in the county of Halifax, to any point on the Roanoke River, or to any point in Halifax, Edgecombe or Martin counties, and it may also construct, maintain or operate such lateral branch lines as may be necessary or advantageous to the extension, completion or the successful operation of said railroad, not to exceed twenty-five miles in length, and may also construct, maintain and operate telegraph and telephone lines along the route of said road. Said railroad company may use either electricity or steam as motive power, and may condemn and hold during its corporate existence all lands within fifty feet of the center of the track of said company on either side, and may purchase and hold such other tracts of land as may be needed by said company for railroad purposes or to increase the amount of freight shipped over its road; and said company shall have power and authority to construct dams, culverts, trestles and bridges over and across

Branch lines.

Motive power.

Right of way.

May hold other tracts of land.



streams, falls and depressions and to cross at, over or under-grade, to intersect, join or unite its railroad with any other railroad now constructed in the State, upon the lands of such other company at any point in its route and to build all necessary turnouts, switches and other conveniences required for the successful operation of said road; and said company may acquire by purchase or lease, or may consolidate with any other railroad now built or projected, and assume its corporate name, or may sell or lease any part or the whole of its lines to any other railroad company, and if it shall lease or sell a portion or the whole of its lines or line to any other company, then the company purchasing shall take the line so purchased, with all the franchises herein granted, and may manage the same under its own corporate name: *Provided*, such consolidated company shall be a domestic corporation under the laws of North Carolina.

Authorized to construct dams, culverts, etc., and to intersect or join other railroad.

May build switches, etc.

May buy or consolidate with other roads or sell or lease to same.

SEC. 5. That it shall be lawful for any officer or agent, surveyor or engineer or other employee of said company to enter upon lands for the purpose of exploring, leveling or doing anything necessary or proper to be done for the laying out of said railroad and locating the same, and upon the location and construction of said road, or any part thereof, if no agreement with the owners of the land through which the road shall be constructed shall have been made by the company, the land on either side of the center track for a distance of fifty feet shall be vested in said company, and the proceedings for the condemnation of said land and for the recovery by the owners for the value thereof shall be the same as prescribed in The Code of North Carolina. And in making the valuation, the Commissioners shall take into consideration the loss or damage that may accrue to the owner in consequence of the right of way being surrendered or other property for station house, turnouts, water tanks, depots or warehouses.

Power of entering lands to make survey, etc.

Right of way and other powers of condemnation of land for company's use.

SEC. 6. That said company shall have power and is authorized to issue bonds of the company, either coupon or registered, to any amount necessary, not exceeding twenty-five thousand dollars per mile for every mile of road completed or owned by said company, and to secure the payment of said bonds by executing a mortgage or mortgages or deed of trust upon any or all of its property and the franchise of said company, on such terms as the directors may prescribe, and such conveyances, when registered in the counties in which said property is situated shall constitute a lien upon the franchise of the company and all of its property in the counties in which such mortgage is registered.

Power to issue bonds and to mortgage property.

SEC. 7. That said company shall have the right to transport and carry passengers and freight over and along its said line and branches, and mails and express matter, and charge such fares

Power to act as common carrier.

Power to purchase and hold stock in other companies.

Relative to stockholders' and directors' meetings.

Stockholders not individually liable for company's debts.

Main office, etc.

and tolls for the same as may be prescribed by the Board of Directors, not inconsistent with the law, and to fix rates for the use or service of its telegraph lines or telephone lines, not inconsistent with law, and to do any and all things necessary or expedient for the proper management of said company as usually exercised or performed by railroad companies; and to purchase and hold stock in any other railroad company or transportation company, express, telegraph or telephone company or other corporation, or may purchase and lease the same and operate the same or contract with such company or corporation for the transportation of passengers or freight.

SEC. 8. That the stockholders shall provide in the by-laws for their regular meetings, but directors' meetings may be held at any time or place, either in or out of the State, as the directors or a majority of them may determine, and the stockholders shall not be individually liable for the debts of the corporation. That the said company shall maintain an office in the town of Scotland Neck, and shall at all times have an agent or attorney resident of said town.

SEC. 9. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 311.

### AN ACT TO AUTHORIZE THE TOWN OF EDENTON TO ISSUE BONDS AND LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

Question of bond issue to be submitted to qualified voters.

Election, how and when held.

Results, how declared.

SECTION 1. That the question of issuing bonds of the town of Edenton in an amount not exceeding thirty thousand dollars, to be expended as hereinafter provided, is hereby authorized to be submitted to the qualified voters of said town of Edenton.

SEC. 2. That an election for this purpose shall be held on the first Monday in May, nineteen hundred and one (1901), under the same rules and regulations as are now prescribed for holding the municipal elections of said town of Edenton. Those in favor of issuing the bonds shall vote a ticket having thereon the word "Bonds," and those opposed shall vote a ticket having thereon the words "Against Bonds."

SEC. 3. That the result of such election shall be declared at the same time and in the same manner as is now prescribed for de-

declaring the result of the municipal elections of said town of Edenton; if it shall appear that a majority of the qualified voters of the town shall have voted in favor of the bonds, then the Board of Councilmen of said town of Edenton shall cause the same to be prepared and issued, said bonds to be signed by the Mayor of said town and countersigned by the Clerk, the interest on said bonds to be at the rate of five per cent per annum, payable annually, represented by coupons attached, lettered and numbered corresponding to the bonds of which they represent the interest.

Bonds, how issued.

SEC. 4. That in order to meet the payment of said bonds and the accruing interest thereon the said Board of Councilmen are hereby authorized and empowered to levy and collect a special tax, not exceeding twenty-five cents on the one hundred dollars of assessed valuation of all the property, real and personal, and choses in action and solvent credits within the corporate limits of said town, and not exceeding seventy-five cents on the poll.

Sinking fund and payment of interest provided for by special tax levy.

SEC. 5. That said bonds when issued shall be placed in the hands of a Board of Commissioners, who shall be designated as an Advisory Board to the Board of Councilmen. Said bonds shall be negotiated to the best advantage by said Advisory Board, and the proceeds thereof shall be paid over to the Town Treasurer, or a treasurer elected by said Advisory Board, and used under the direction of the Board of Councilmen and the said Advisory Board conjointly for the following purposes, to-wit: For establishing a system of water-works in said town, and for such other improvements in said town as the said Board of Councilmen and said Advisory Board conjointly may deem necessary and proper: *Provided*, said bonds shall not be sold for less than their par value.

Bonds to be disposed of, how.

Proceeds of bonds, how disposed of.

SEC. 6. That the said Advisory Board shall require the Town Treasurer or treasurer elected by said board to execute such bond as to them may seem just and proper. *Provided*, said bond shall not be less than thirty thousand dollars (\$30,000).

Bond of treasurer.

SEC. 7. That said bonds shall be of the denomination of one hundred (\$100 00) dollars each and shall bear interest from the date of their issue.

Bonds, denomination of, and to bear interest from what time.

SEC. 8. That Frank Wood, Dr. R. Dillard, W. D. Pruden, W. O. Elliott and F. A. White be, and they are hereby appointed Commissioners, and they and their successors shall be known as an Advisory Board, whose duties shall be to negotiate the bonds herein authorized to be issued and to advise with the Board of Councilmen of said town of Edenton in making the improvements in said town for which said bonds are issued, and in these matters they shall meet with the said Board of Councilmen, and no order shall be made looking to said improvements in said town, nor money paid out of the fund arising from sale of said bonds, except by a majority of both boards conjointly.

Relative to Advisory Board.

Term of office of members of Advisory Board.

SEC. 9. That the said Advisory Board herein named shall hold their offices for the term of six years, and until their successors shall be elected and qualified, and their successors shall be elected by the Board of Councilmen of the town of Edenton. In case of a vacancy on account of the resignation or death of any member of said Advisory Board, or his removal from the town, the said Advisory Board shall elect to fill the unexpired term.

Vacancies, how filled.

Conflicting laws repealed.

SEC. 10. That all laws in conflict with this act be and the same are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 312.

### AN ACT TO AMEND CHAPTER 60 OF THE PRIVATE LAWS OF 1891, RELATING TO THE SOLDIERS' HOME ASSOCIATION.

*The General Assembly of North Carolina do enact:*

Chapter 60, Private Laws of 1891, amended, relative to the Soldiers' Home Association.

SECTION 1. That section 2 of chapter 60 of the Private Laws of 1891, entitled "An act to incorporate the Soldiers' Home Association, and to make an appropriation towards its support," is hereby repealed and the following inserted in place thereof as section 2:

"Within sixty days after the ratification of this act, upon notice published in some newspaper in Raleigh, a meeting of the surviving incorporators named in section one shall be held upon the day designated in said notice, and any three of said incorporators shall constitute a quorum for the transaction of business. At said meeting the said incorporators may elect ten ex-Confederate soldiers as their associates with full power to fill vacancies as they may occur by death or resignation, and they and their successors shall meet annually in the city of Raleigh. At said meeting and annually thereafter the said incorporators, their associates and successors, three of whom shall constitute a quorum, are hereby empowered to elect two directors and the Governor of the State shall annually appoint three directors, one of whom shall be the State Auditor. The said five directors shall exercise all the powers herein conferred, and shall elect from their number a president, and shall appoint such other officers, agents or employees as they shall see fit, and shall prescribe the duties of such officers and employees. They shall establish rules and regula-

Election of new members.

Directors, how elected and appointed.

Powers and duties of directors.

tions for the maintenance and government of the Soldiers' Home, and shall have entire control and management of it, and shall prescribe the rules for the admission of inmates and their discharge. The Treasurer of North Carolina shall be the treasurer of the association, and the State Auditor shall be the secretary of the board of directors, and each of said officers to serve without additional compensation. The said directors shall meet at such times and places as they may prescribe, but not less than twice a year. Upon failure of the association to elect its two directors in any year, the Governor shall appoint said directors for that year. Upon failure of the directors to hold a meeting during any year their office shall be vacant and the Governor shall appoint others to fill said vacancies. The said directors may be paid two dollars a day and their traveling expenses each for their attendance at any meeting.

Treasurer and secretary.

Meetings of directors. Governor to appoint directors in certain cases.

Vacancies, how made and filled.

Pay of directors.

SEC. 2. That for the maintenance of the said Soldiers' Home and support of its inmates the sum of thirteen thousand dollars is appropriated annually, and the sum of five thousand dollars is appropriated for repairs and additional buildings, and the State Treasurer is directed to pay said appropriations out of the public funds in the treasury according to law.

Annual and special appropriations.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 313.

### AN ACT TO INCORPORATE THE CROATAN DEVELOPMENT COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That B. H. Bunn and James P. Bunn, of the county of Nash, George L. Wimberly, Jr., of the county of Edgecombe, and L. C. Roberts, of the city of Chicago, together with such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate by the name and title of The Croatan Development Company, and under that name and title may sue and be sued, plead and be impleaded in any courts of this State, and be contracted with, and adopt and use a common seal, which they may establish and alter at their pleasure, shall have perpetual succession,

Names of incorporators.

Corporate name.

Corporate powers and existence.

and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations under the general laws of the State.

Capital stock.

SEC. 2. That the capital stock of said company shall be thirty thousand dollars (\$30,000), divided into three hundred shares of one hundred dollars per share, par value, with power in the stockholders to increase the capital stock from time to time to an amount not to exceed the sum of one million dollars.

Organization.

SEC. 3. That as soon as thirty thousand dollars shall have been subscribed, either in cash or in property, real or personal (and said incorporators and officers of said company, after its organization, are empowered to take subscriptions to the capital stock, in money or property). Said incorporators and subscribers to said capital stock shall meet in the office of B. H. Bunn, in the town of Rocky Mount, and perfect the organization by the election of a president, a vice-president and an executive committee of three.

Officers.

They shall make all by-laws necessary for the government of said company, and may increase at any time the number of the executive committee to any number not exceeding seven; may appoint and elect such other officers as shall be necessary, and require them to execute bonds payable to the company, in an amount or amounts to be fixed by them, conditioned upon the faithful discharge of their duties as officers. Upon breach of the bonds the company may sue the principal and sureties, or either of them, and recover damages sustained.

Bonds of officers.

Principal and branch offices.

SEC. 4. That said stockholders, at the first or any subsequent meeting, may fix the place and location of their principal office, and may from time to time establish branch offices.

Special corporate powers enumerated.

1. To buy, lease, etc., real and personal property.
2. To improve lands, etc.

SEC. 5. That said company shall have full power, first, to buy, lease, exchange, hold, own, sell and convey real and personal property, with all the rights and privileges connected therewith; second, to improve, develop and turn to account any lands or other property acquired by or in which said company is interested, and for that purpose to carry on all or any of the business of real estate agents, timber merchants, mining companies or building companies, and do any and all things expedient for utilizing and disposing of the property of the company or of aiding or inducing immigration, and to own not exceeding fifty thousand acres of land at any one time; third, to subscribe for stock or enter into partnership or arrangements for sharing profits with any person or company projected in this State; fourth, to build or construct docks and wharves, houses, mills and manufacturing establishments of all kinds, workshops, factories or other business premises, and to equip and maintain them; to manufacture all kinds of manipulated guano, and to put this upon the market under such brands, trade-marks or other rules

3. To subscribe for stock, etc.

4. To build docks, etc.

and regulations as to them shall seem best; to establish, build and equip with rolling and other stock, and to operate rail, tram, turnpikes or other roads connecting the property of the company with any roads of any and all kinds, and to that end may build bridges, dams and culverts across streams not navigable, under the rules and regulations required by law; fifth, to establish and maintain steamship lines, telegraph and telephone lines, canals, aqueducts, reservoirs and other work that may be deemed necessary or convenient for the company, and shall have power and right to establish and maintain a line of steamships and other vessels upon the navigable waters of this State and elsewhere, and shall have the rights, powers, charters and franchise to charge such tolls, fees or compensation as is reasonable for the use or services of its property, or travel over its boats, roads or bridges, and to further each and all of these ends this company has hereby conferred upon it all the rights, powers, privileges and immunities conferred upon said railroad companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies." And when any land or right of way shall be required by said company for constructing any boat, canal or bridge or other way over the lands of other persons, and the parties are unable to agree on a compensation, the mode of procedure for the condemnation of said lands shall be as prescribed by law in case of railroad companies.

5. To establish and maintain steamship lines, etc.

SEC. 6. That the stockholders of said company shall not be individually liable for the debts, contracts, engagements or torts of said company.

Stockholders not individually liable for company's debts.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D.

#### CHAPTER 314.

#### AN ACT TO AUTHORIZE THE TOWN OF SANFORD TO ISSUE BONDS FOR WATER-WORKS AND OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Aldermen of the town of Sanford are hereby authorized and empowered and it shall be their duty to call an election to be held at the various polling places in said town at such time as said Aldermen may appoint within twelve

(question of bonds to be submitted to qualified voters,

Maximum amount of bonds.	months from the ratification of this act, and to submit to the qualified voters of said town the question of issuing bonds to an amount not to exceed fifteen thousand dollars, for the purposes and under the provisions hereinafter named in this act, and
Special tax to provide for payment of interest and principal.	levying and collecting annually a special tax to provide for the payment of the interest thereon and to provide for the payment of the principal of said bonds when they shall become due. The said election shall be advertised by the Aldermen of said town
Notice of election.	for thirty days prior to said election, in some newspaper published in said town, and if no newspaper be published in said town, then at least at one public place in each ward therein, and held
Election, how held.	under the same rules and regulations prescribed for the election of Aldermen in charter of said town, and amendments thereto. Those who are in favor of issuing said bonds and levying and collecting said tax shall vote a written or printed ticket with the words "For Bonds" thereon; those who are opposed shall vote a written or printed ticket with the words "Against Bonds" thereon. The result of said election shall be ascertained by the judges of election of the different wards and certified and returned by them to the Aldermen of the town of Sanford in two days from the day of the election, who shall verify and also certify such result and cause the same to be recorded in their minutes, and shall make returns of said result, under the signature of the Mayor and Clerk of said town, to the Register of Deeds of <u>Moore County</u> , who shall duly record the same.
Proceeds arising from sale of bonds, how disposed of.	SEC. 2. That the proceeds arising from the sale of said bonds shall be applied to the following purposes: For paying off and discharging any indebtedness of said town contracted for the development or improvement of the water system thereof, and for furnishing said town with water and lights or either.
Bonds, how issued; denominations of.	SEC. 3. That if a majority of the qualified voters shall vote for bonds, then the Aldermen of said town shall issue coupon bonds to an amount not to exceed fifteen thousand dollars, and in denominations of not less than one hundred and not more than one thousand dollars, maturing not less than twenty and not more than forty years from date of issue. The said bonds shall bear interest from date at a rate not exceeding six per centum per annum, payable semi-annually at the office of Treasurer of said town, on the first day of January and the first day of July of every year: <i>Provided</i> , that the said bonds shall be issued and sold for purposes named and provided for in section two of this act, and each of said bonds shall bear upon its face a reference to this act and statement that it is issued thereunder. The bonds and coupons shall be numbered and the bonds shall be signed by the Mayor of said town and countersigned by the Clerk of the Board of Aldermen, and a record shall be kept of all bonds, show-
Maturity.	
Rate of interest.	
Proviso, bonds to be issued for purposes named in Section 2 of this act.	
Bonds and coupons to be numbered and signed and record of sale kept.	



ing the number, amount and to whom sold. The coupons shall be received in payment of all taxes, fines and debts due said town. Said bonds shall be sold at not less than par value.

Coupons receivable for taxes and debts due town.

SEC. 4. In order to pay the interest on said bonds, the Aldermen of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon all polls and property, real and personal, and other subjects of taxation mentioned in the charter of said town, always observing the constitutional equation between the tax on property and the tax on polls, not exceeding thirty cents on one hundred dollars valuation of property, and ninety cents on each poll, with which to regularly and promptly pay the interest on said bonds. Said taxes shall be collected in the same manner and at the same time as all the other taxes of said town are collected, and shall be paid over by the Town Tax Collector to the Treasurer of said town, which officers shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer for collecting and paying over, and the latter for the safe keeping and the proper disbursing of said funds.

Special tax levy to provide for payment of interest.

Taxes, how collected.

Bonds of tax collectors.

SEC. 5. The taxes levied and collected for purposes specified in section four of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which they were levied and collected and any Mayor or Aldermen who shall appropriate by vote or otherwise to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for the next succeeding year; and the said Aldermen, at the time of levying the taxes for the payment of interest for the said next succeeding year, shall take into consideration said excess and compute and levy taxes accordingly.

Taxes levied under Section 4 to be kept separate and used only for purposes named.

Penalty for appropriation of special taxes to other purposes than those named in Section 4 of this act.

Proviso as to disposal of excess of taxes.

SEC. 6. For the purpose of paying the principal of the bonds issued under this act, it shall be the duty of said Aldermen, at the time of levying other taxes, beginning at least ten years before the maturity of the respective bonds issued under the authority of this act, to annually levy and collect a special tax in addition to that mentioned in section four of this act for the payment of said bonds as they mature, and the tax provided for in this section shall equal in amount one-tenth of the amount of said bonds falling due next after the tenth annual levy and collection of taxes from and including said first levy and collection for

Sinking Fund, how provided for.

said purpose, in such manner that at the maturity of each and every one of said bonds a sufficient amount shall have been levied and collected for the payment thereof.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 315.

### AN ACT TO AUTHORIZE THE TOWN OF LENOIR TO ISSUE BONDS FOR THE IMPROVEMENT OF SAID TOWN, ETC.

*The General Assembly of North Carolina do enact:*

Question of bond issue to be submitted to qualified voters.

Bonds, amount and maturity of.

Interest, rate of, when payable.

Printing of bonds.

Sale of bonds and deposit of proceeds in bank and withdrawal of same.

Disposal of proceeds of sale of bonds.

SECTION 1. That the Mayor and Commissioners of the town of Lenoir, after an election hereinafter provided for, be and they are hereby authorized and directed to issue bonds in the name and behalf of said town, to the amount of fifteen thousand dollars, running from one to fifteen years, one thousand dollars to be payable at the expiration of each year after the issuing of the same.

SEC. 2. Said bonds shall bear interest at the rate of six per centum, to be paid annually, until said bonds are fully discharged.

SEC. 3. Said bonds shall be printed or engraved, with coupons attached, representing the annual interest on the same, which shall be detached as said interest is paid, and shall constitute a receipt for the same.

SEC. 4. Said bonds shall be sold by the Mayor and Commissioners of said town, and the directors hereinafter named and appointed, for cash, at not less than their par value, and the proceeds thereof deposited in some bank or banks in the town of Lenoir, to be drawn from such bank or banks, upon the order or receipt of the Mayor of said town, and the president of the directors hereinafter named and their successors in office: *Provided, however,* that no deposit of money in said bank or banks, nor withdrawal of said money from the same, shall be made, or had, except upon the express authority of a majority of the Mayor and Commissioners of said town, and the directors thereof, hereinafter appointed, or their successors in office, given in a joint meeting of said bodies.

SEC. 5. The proceeds of the bonds hereinbefore provided for shall be expended under the directions of the Mayor and Com-

missioners of Lenoir and the directors hereinafter named, in the construction and improvement of streets and sidewalks, and necessary appurtenances thereof, in said town, and in the construction of an electric plant for lighting the same: *Provided, however,* that not more than four thousand five hundred dollars shall be expended upon the construction of said electric plant: *And provided further,* that no construction or improvement of streets and sidewalks in said town shall be made under the provisions of this act, until the same shall have been ordered and directed, by a majority of the Mayor and Commissioners of said town and said directors, in a joint meeting of said bodies.

SEC. 6. The following persons, to-wit, George F. Harper, P. J. Johnston, W. R. Pulliam, L. L. Munday, G. W. Conley, H. T. Newland and A. N. Toad, shall be, and they are hereby constituted and appointed a board of directors, for said town of Lenoir, whose duty it shall be, in connection with the Mayor and Commissioners of said town, to sell the bonds, in this act provided for, and to direct and supervise the application and expenditure, of the proceeds of the same to and for the purpose and objects herein specified. Any vacancy in said Board of Directors from death, resignation or other cause, shall be filled by the remaining members thereof.

Directors named.  
  
Duty of.  
  
Vacancies, how filled.

Sec. 7. Said board shall meet after the first Monday in May, 1901, and elect one of their number president, who shall preside over the meetings of said board, except the joint meetings of the Mayor and Commissioners of said town and said board, in which the Mayor shall preside.

Election of President of Board of Directors.

Sec. 8. The Mayor and Commissioners of Lenoir, on the first Monday of May, 1901, under the rules, regulations and officers prescribed for the election of said Mayor and Commissioners, supervise an election in said town, upon the question of issuing of the bonds herein provided for, in which election those favoring the issuing of said bonds shall vote a written or printed ticket as follows, "For Issue of Bonds," and those opposed the following, "Against Issue of Bonds."

SEC. 9. The officers conducting said election shall make due returns of the same to the proper officer, and if a majority of the qualified voters of said town shall vote for the issuing of said bonds, then the same shall be issued as in this act directed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 316.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF DUNN.

*The General Assembly of North Carolina do enact:*

Chapter 164, Private Laws of 1897, relating to charter of town of Dunn, repealed.

Chapter 303, Private Laws of 1899, amended, relating to elections in town of Dunn.

Chapter 191, Private Laws of 1889, amended, relating to charter of town of Dunn.

Above chapter further amended, relating to mayor's court and jurisdiction thereof.

Board of Commissioners of town authorized to condemn property for public purposes.

SECTION 1. That chapter one hundred and sixty-four of the Private Laws of eighteen hundred and ninety-seven be and the same is hereby repealed.

SEC. 2. That section one, chapter three hundred and three, Private Laws of eighteen hundred and ninety-nine, be amended as follows: Strike out all of said section after the word "as" in line five thereof and insert in lieu of the same "are prescribed by the general laws for the holding of elections in towns and cities."

SEC. 3. That section nine, chapter one hundred and ninety-one, Private Laws 1889, be amended as follows: Strike out the word "Constable" wherever the same occurs, and insert in lieu thereof the words "Chief of Police," and that the same be further amended by inserting after the word "Treasurer" in line two of said section the following words: "And such other officers as they may deem necessary for the good government of the town."

SEC. 4. That said chapter be further amended as follows: "That the Mayor of Dunn is hereby constituted a special court to be known as the Mayor's Court, with exclusive original jurisdiction of all offences arising from the violation of the provisions of the charter or ordinances of the town and with all the jurisdiction, power and authority which is now or hereafter may be given to Justices of the Peace for the trial and determination of such criminal causes as may arise within the corporate limits of said town under the general laws of North Carolina, and to that end he may issue his summons, warrant or other process, and if criminal, have the party brought before him, hear, determine and give judgment thereon; issue execution, impose fines, penalties and forfeitures, as the case may be, and direct the enforcement thereof subject to the same limitations as to jurisdiction as apply to Justices of the Peace, and subject also to the same right of appeal as is provided for courts of Justices of the Peace.

SEC. 5. That the Board of Commissioners of the town of Dunn be authorized and empowered to condemn such property, real or personal, within or without the corporate limits of said town as may be necessary for the establishment, maintenance and operation of a system of water-works and sewerage for said town, in the same manner as property may be condemned for streets and other public purposes, and the said Board of Commissioners is further empowered to exercise such police control over the public works and property of said town lying without the corporate

limits of the same as said board might exercise over such works and property if the same were located within the corporation.

SEC. 6. That the Board of Commissioners may levy a license tax not exceeding two dollars a year upon each and every surface privy within the corporate limits of said town and enforce the payment thereof by the occupant of the lot or premises upon which the same is maintained and used by proper fines and penalties: *Provided*, that such occupant shall be hereby relieved from any and all liability as to the cleansing of such privy and the same shall be cleaned in a regular, systematic and sanitary manner by the town of Dunn, under such rules and regulations as the Board of Commissioners may prescribe.

License tax on surface privies.

Provisions to cleansing of privies by town.

SEC. 7. That the Board of Commissioners may annually at the time other taxes are levied and collected, levy and collect the following taxes, to-wit:

Privilege taxes enumerated.

(1) Upon every express company, telegraph company and telephone company doing business in the town, a tax not exceeding one per centum of its gross receipts in the town, to be given in upon oath by the managing agent of such company annually at the time when other taxes are listed and under the same penalty as that prescribed in the law of the State for the failure to give in.

Express, telegraph and telephone companies.

(2) Upon all encroachments on the streets or sidewalks by porches, piazzas, or wooden sheds, stairways, passages, or other projections or excavations suffered or allowed by the Commissioners, a tax not exceeding one dollar per square foot.

Encroachments on streets, etc.

(3) Upon all swine and goats not prohibited by the Commissioners to remain in the town are taxed not exceeding three dollars a head.

Swine and goats.

SEC. 8. That during the month of June of each year the Board of Commissioners shall cause a tax list to be taken by a List-Taker of their appointment in the same manner as near as may be as tax lists are taken for the State and county purposes. The List Taker so appointed shall have the same power and authority as Township List-Takers, and upon him shall be imposed the same duties and obligations, and the tax-payers within said town shall be subject to the same penalties for failure to list as tax-payers are under the general law of the State.

Tax list, when and how taken.

SEC. 9. That the Board of Commissioners shall likewise appoint two discreet persons, who, together with the List-Taker mentioned in the preceding section, shall form a board, to be known as the "Board of Equalization of the Town of Dunn." As soon as the tax lists are completed by the List-Taker the said board shall take said lists, examine and alter the same when necessary in the same manner and for the same purposes as County Boards of Equalization may change or alter lists made

Board of equalization.

Duties and powers.

Proviso as to board's acting with county board.

by Township List-Takers, and any changes made in the valuation of property, real or personal, made by said Board of Equalization of the town of Dunn, shall be as binding upon the tax-payer as such changes are when made by County Boards of Equalization: *Provided*, that it shall be the duty of said Board of Equalization to act, conjointly with the County Board of Equalization, to the end that property may be equally valued by each of said boards for all purposes of taxation.

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

#### CHAPTER 317.

### AN ACT TO AUTHORIZE RUTHERFORDTON TO ISSUE BONDS AND LEVY A SPECIAL TAX.

*The General Assembly of North Carolina do enact:*

Question of bond issue to be submitted to qualified voters.

SECTION 1. That the question of issuing bonds of the town of Rutherfordton in an amount not exceeding ten thousand dollars, nor less than five thousand dollars, to be expended as herein-after provided, is hereby authorized to be submitted to the qualified voters of the said town of Rutherfordton.

Election, provisions for holding, count and return of votes and determination of result.

SEC. 2. That an election for this purpose shall be called and held at any time after thirty days' advertisement, and in the same manner as is now provided for the election of Commissioners of said town. Those in favor of issuing the bonds shall vote a ticket having thereon the words "For Bonds" and those opposed shall vote a ticket having thereon "Against Bonds." That the poll holders and registrars of election on the day after the same is held shall count and make an abstract of the votes cast and file the same with the Board of Commissioners of Rutherfordton at their regular meeting after their election, at which time the said board shall examine the returns made to them as aforesaid, and decide the result of election. If it shall appear that a majority of the qualified voters of the town shall have voted in favor of the bonds, then said Board of Commissioners shall cause

Issuance of bonds.

the same to be prepared and issued; said bonds shall be signed by the Mayor of said town and countersigned by the Clerk of said town; the interest on said bonds shall be at the rate of five per centum per annum, payable annually, represented by coupons, lettered and numbered corresponding to the bonds of which they represent the interest.

Interest, rate of, when payable; coupons.

SEC. 3. That in order to meet the payment of said bonds and the accruing interest thereon, the said Board of Town Commissioners are hereby authorized and empowered to levy and collect the special tax not exceeding twenty cents on the one hundred dollars of the assessed valuation of all the property, both real, personal and mixed, within the corporate limits of said town, and sixty cents on each poll.

Special tax levy to provide for sinking fund and payment of interest.

SEC. 4. That said bonds shall be of the denomination of one hundred dollars each, and shall mature in twenty years from the date of their issue and bear interest as provided in section two of this act.

Bonds, denomination and maturity of.

SEC. 5. That said bonds when issued shall be placed in the hands of the Town Commissioners and Mayor and shall be negotiated to the best advantage by and under the direction of the said Town Commissioners and Mayor, not to be sold at less than their face value, and the proceeds thereof to be paid over to the Town Treasurer and used under the direction of the said Commissioners and Mayor, for the following purposes, to-wit: To build and construct a good and substantial system of water-works, at any point within the limits of said town that the town authorities deem expedient, and for the purpose of establishing electric lights in said town if sufficient therefor. That the said town authorities for the purpose of carrying out the provisions of this act shall be fully authorized to condemn land in order to lay their pipes and for building a reservoir; said lands to be condemned as is provided for the condemnation of lands for railroad purposes: *Provided*, nothing herein contained shall prevent the said town authorities from acquiring rights of way for piping or reservoirs, by gift or purchase.

Sale of bonds.

Proceeds of bond sale, how disposed of.

Town authorities empowered to condemn lands to carry out provisions of this act.

Proviso as to acquiring rights of way for piping or reservoir by gift or purchase.

SEC. 6. That the said Town Commissioners and Mayor shall have the power to require the Treasurer to increase his bond before the proceeds from the sale of said bonds shall go into his hands in such sum as they may deem advisable.

Increase of treasurer's bond.

SEC. 7. All laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 9th day of March, A. D. 1901.

## CHAPTER 318.

## AN ACT TO CORRECT STATE GRANT NO. 1828 IN MACON COUNTY, NOW SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

State Grant No. 1828, issued to Telitha McDowell, corrected.

SECTION 1. That the third call of State grant No. 1828, issued to Telitha McDowell in Macon, now Swain County, be corrected so as to read as follows, viz., then north forty-five degrees east one hundred poles to a stake.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 319.

## AN ACT TO INCORPORATE THE TOWN OF SPEED IN EDGECOMBE COUNTY

*The General Assembly of North Carolina do enact:*

Town of Speed, Edgecombe County, incorporated.

Corporate name and powers.

Corporate limits described.

SECTION 1. That the town of Speed in the county of Edgecombe be and the same is hereby incorporated by the name and style of the town of Speed, and it shall have the benefit of and be subject to all the provisions of law existing in reference to incorporated towns not inconsistent with this act.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at a point where the Atlantic Coast Line Railroad crosses the creek known as Knight's Creek, just north of the town, running down said stream three hundred yards; thence in a southerly direction parallel with the said Atlantic Railroad to the canal known as Long's Branch south of the town, thence easterly up said branch or canal six hundred yards, thence northerly parallel with said Atlantic Coast Line Railroad to Knight's Creek before mentioned, then westerly down said Knight's Creek to the starting point.

Officers of town.

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 named.

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. Lauston; commissioners, Andrew J. Parker, William R. Howell and Alonzo M. Edmonson; constable, William T. Pearce.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 320.

#### AN ACT TO CORRECT THE CALLS IN STATE GRANT 7446, ISSUED TO J. W. DEHART, ASSIGNEE, ON THE 14TH DAY OF DECEMBER, 1885, IN THE COUNTY OF SWAIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the calls in State grant number 7446 issued to J. W. Dehart of the county of Swain on the 14th day of December, A. D. 1885, be corrected so as to read as follows: Beginning at a black gum, William Dehart's corner of Grant number 368, and runs with said number south 62 degrees east 22 poles to a chestnut; thence south 23 degrees west 14 poles to a hickory; thence south 75 degrees east 16 poles to a B. oak; thence south 73 degrees east 84 poles to a C. oak; thence south 50 degrees west 32 poles to a fallen S. oak; thence south 73 east 86 poles to a dogwood in the line of number 1176; thence with said number north 45 east 22 poles to a C. oak; thence south 15 degrees east 136 poles to a wateroak; thence south 45 degrees west 65 poles to a stake; thence north 45 degrees west 136 poles to a beech, the beginning corner of said number; thence south 45 degrees west 50 poles to a stake; thence south 45 degrees east 200 poles to a hickory; thence north 5 degrees east 74 poles to a B. oak, beginning corner of entry number 7353; thence with said number north 48 degrees east 28 poles to a double chestnut; thence north 25 degrees east 74 poles to a B. oak; thence south 62 degrees east 58 poles to a chestnut; thence north 50 degrees west 72 poles to a hickory; thence north 55 degrees west 62 poles to a B. oak, corner of an old tract; thence with said line north 35 degrees west 64 poles to a C. oak; thence north 5 degrees west 37 poles to a B. oak; thence north 45 degrees east 100 poles to a S. oak; thence north 36 degrees west 59 poles to a locust; thence north 84 poles to a stump, old corner; thence south 30 degrees west 27 poles to a hickory; thence south 5 degrees west 14 poles to a W. oak; thence W. 80

Calls in State  
Grant 7446, issued  
to J. W. Dehart,  
corrected.

poles to a B. oak; thence south 65 degrees east 35 poles to a W. oak; thence south 25 degrees west 65 poles to a stake; thence north 45 degrees east 36 poles to a hickory; thence south 45 degrees east 115 poles to a D. hickory; thence south 45 degrees west 140 poles to a B. oak, A. M. Totherow's corner; thence with his line north 45 degrees west 32 poles to a C. oak; thence north 86 degrees west 54 poles to a locust; thence north 55 degrees west 60 poles to a W. oak; thence north 50 degrees west 72 poles to a hornbeam; thence south 71 degrees west 26 poles to a poplar; thence south 18 degrees east 74 poles to a S. oak, an old corner; thence north 57 east 31 poles to the beginning: *Provided*, this act shall not interfere in any way with the lines in any grant or deed heretofore issued or made, nor prejudice any vested right, or be construed to repeal the statute of limitations.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

CHAPTER 321.

AN ACT TO INCORPORATE THE RALEIGH AND CAPE FEAR RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporated.	SECTION 1. That "The Raleigh and Cape Fear Railway Company," a corporation organized under the general laws of this State by articles of association duly filed in the office of the Secretary of State on the 12th day of February, Anno Domini one thousand eight hundred and ninety-eight, and recorded in said office in the book for railroad companies, numbered one, at pages two hundred and forty-seven to two hundred and fifty-three, and such of the persons in said articles of association named as in-
Incorporators.	corporators as may now be the owners of stock in the said corporation, and such other persons as are now or may hereafter become associated with them as stockholders, their successors and assigns, are hereby declared to be a duly incorporated company and are hereby created a body politic and corporate under the
Corporate name.	laws of this State, under and by the aforesaid name of "The Raleigh and Cape Fear Railway Company," and by such name may
Corporate powers.	sue and be sued, adopt a common seal and change the same at will, and shall have all the general powers granted to, and be subject

to all the general restrictions imposed upon railroad companies or corporations by the laws of this State; and the said incorporation heretofore perfected before the said Secretary of State is hereby ratified, approved and confirmed.

SEC. 2. The said "The Raleigh and Cape Fear Railway Company" shall have the right to maintain and operate its railway as already constructed from a point near the city of Raleigh, in Wake County, to the village of Sippahaw, in said county of Wake, and to change the route thereof if desired, and shall have the power at any time hereafter to construct an extension of its said road and maintain and operate the same from the said point near the city of Raleigh into the said city of Raleigh, with the consent of the proper authorities of said city, and beyond the said city into Wake County, and also from the said terminus at the village of Sippahaw or from any point on said portion of railroad already constructed to some point on the Atlantic coast between the town of Southport, North Carolina and the town of Beaufort, North Carolina, and for that purpose is empowered to pass through any portion of the counties of Wake, Johnston, Wayne, Harnett, Sampson, Duplin, Onslow, Cumberland, Bladen, Pender, Richmond, Brunswick and New Hanover as it may desire; and along all of said route the said company shall have the right and is empowered to locate, construct, equip, maintain and operate a railroad or railroads, or any part thereof, with one or more tracks, either narrow or standard guage, and to that end shall have the right to acquire by purchase, gift or condemnation such lands as may be necessary for its purposes, and in the operation of its said railroad or railroads the said company shall have the right to use such motive power as it may desire.

Power to maintain and operate line of railway already constructed, and to construct, maintain and operate extension.

SEC. 3. The said corporation shall have and enjoy all the rights, powers and privileges that are granted to railway corporations by the general laws of the State, and shall continue to have and enjoy all the rights, powers and privileges which were granted to it by its said incorporation before the Secretary of State, except as the same may be herein limited, enlarged or modified, and the title to any and all property, real, personal or mixed heretofore acquired by it shall be unaffected by this special act of incorporation, and this act shall not in any way release or relieve the said corporation from any liabilities heretofore incurred by contract or otherwise, and all the acts heretofore performed or executed by the said corporation are hereby declared to be binding upon the corporation chartered by this act, it being the purpose of this act simply to continue by virtue of special legislative act the existence of the corporation heretofore formed under the general law, and, without depriving it in any way of any of its rights, privileges or powers heretofore acquired, to extend and enlarge the same as hereinafter set forth.

To have powers and privileges granted to railway corporations under general laws, and special powers granted by former incorporation not afterwards limited.

To hold title to property heretofore acquired.

Not to be released from former liabilities.

Officers, how elected, terms of office, duties and powers, etc.

SEC. 4. The officers of the corporation shall consist of a president, a vice-president, a secretary, an auditor, a superintendent, a general manager and a treasurer, and such other officers as the by-laws of the company may from time to time prescribe, whose duties shall be prescribed in the by-laws of the company: *Provided*, that the directors of the company may from time to time combine the various offices as they may desire; the said officers shall be elected by the directors of the company and shall hold office for a term of one year and until their successors shall have been chosen and shall have qualified. All of the officers of the corporation heretofore elected shall continue in office until their successors shall have been chosen and shall have qualified, and all acts heretofore performed by them shall remain in full force and effect. There shall be seven directors of the company, elected by the stockholders, who shall hold office for one year and until their successors are chosen and qualified, and whose duties shall be prescribed in the by-laws; the directors of the corporation heretofore elected shall continue in office until their successors shall have been chosen and shall have qualified, and all acts heretofore performed by them shall remain in full force and effect.

Former acts of directors to remain in full force and effect.

Capital stock.

SEC. 5. The capital stock of the said corporation shall be two hundred thousand dollars, divided into two thousand shares of the value of one hundred dollars each, but it may from time to time be increased to such an amount as a majority of the stockholders in value shall determine, the said increased amount to be likewise divided into shares of the value of one hundred dollars each. Said capital stock may be divided into preferred and common shares in such proportions and with such privileges, qualities and characteristics as a majority of the stockholders in value may determine.

Branch lines, dams, culverts, bridges, etc.

SEC. 6. The said company shall have the right to construct, maintain and operate such lateral and branch lines not exceeding thirty (30) miles in length and confined to the counties named in this act as may in its opinion be necessary or advantageous to the extension, completion and successful operation of said railroad; and for these purposes it shall have the power to construct dams, culverts, trestles and bridges over or across streams, savannas, valleys and depressions. The said company is hereby authorized and empowered to construct, maintain and use bridges for the transportation of its cars across the Cape Fear River or any other river in the line of its said railroad: *Provided*, that said company shall provide suitable draws in all its bridges over navigable streams where it shall be necessary for the passage of boats navigating said rivers.

Proviso as to drawbridges.

Ferries, steamboat lines, telegraph and telephone lines.

SEC. 7. That said company may own and operate, in connection with its said railroad or any of its branches, ferries and ferryboats, steamboats, and other means of transportation by water

for passengers and freight; and it is hereby empowered to build, maintain and operate telegraph and telephone lines on its right-of-way or any part thereof.

SEC. 8. That said company shall be fully empowered to take by purchase or gift and to hold in fee-simple or in any other manner any number of acres of land besides the amount that may be necessary for its right-of-way, depots, warehouses, shops and other necessary buildings. Power to take and hold lands.

SEC. 9. The said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected, in this State or elsewhere, and hold shares in the same; it may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, wood, coal, and in all other goods, wares and merchandise of any and all kinds; it may build, equip and operate saw-mills, planing-mills, stone-mills, shingle-mills, dry-kilns, hotels, boarding-houses, mills for the manufacture and production of both dressed and undressed lumber, sash, doors, blinds and all other kinds of building material; it may own and operate all kinds of machinery, apparatus and equipment necessary and suitable for the manufacture of brick, and the mining and dressing of all kinds of stone, and all other building materials, and for the manufacture of wagons, buggies and all other kinds of vehicles; it shall have full right, power and authority to locate, construct, equip, maintain and operate tram-roads; it may build, equip and operate flouring and grist-mills and grain elevators and warehouses; it may purchase, open up and operate farms and vineyards, and may pursue other agricultural and horticultural operations; and the said corporation shall have a right to sell and deal in all such products or material as may by its operations aforesaid be produced. Corporate powers.

SEC. 10. That said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches and upon all ferry boats, steamers and vessels and boats running in connection with said road and its branches at such rates as said company may prescribe, subject to such general laws regulating the same as the General Assembly may from time to time make and establish, or may have hitherto made and established; and it shall have the right to transport all manner of goods as expressed and to make and collect all charges for the same, and to transport the United States mail, and to make and collect all charges for the same. Powers as common carriers.

SEC. 11. That it shall be lawful for any officer, agent, surveyor, engineer or employee of said company to enter at all times upon the lands or waters of any person or corporation for the purpose of exploring, leveling, surveying, or doing anything necessary or proper to be done for laying out the said railroad and locating Power of eminent domain.

and constructing the same, together with all its branches, sidings, switches, turnouts and tramroads, and for the purpose of erecting all necessary works and buildings required in this behalf, paying for all injuries to private property; the said company is hereby authorized and empowered to proceed without interruption with the location and construction of its said road and every part thereof, together with the necessary and proper depots, warehouses, water stations, sidings, switches, turnouts, tramroads, branches, workshops, depositories and other buildings or structures necessary and proper for the accomplishment of the purposes of its incorporation; and to that end it is hereby authorized and empowered to enter upon and take possession of all such lands as may be needful and necessary for the purposes aforesaid without the delay of completing or beginning proceedings for the condemnation thereof; and upon the said location and construction of the said road or any part thereof or upon any of the above-mentioned structures having been made, if no agreement with the owner of the land so occupied shall have been made by the company, the title to the land so occupied shall be vested in the said company, and proceedings for the value of the land so occupied may be brought by the person from whom it is so taken, or by the said company in the manner prescribed by the general law of the State as contained in The Code of North Carolina, with its amendments applicable to the condemnation of land for railroad purposes. And the commissioners who shall be appointed to ascertain and determine the amount of compensation which shall be paid for the said land by the said company shall, in making their appraisement, take into consideration the actual value of said land before the construction of the proposed railroad and the enhanced value of the land caused by the construction of the said railroad, and the particular loss or damage, if any, which the owner may sustain, as well as the particular benefit, if any, which the owner may enjoy, by reason of the condemnation of said lands to the use of the said railroad company: *Provided, however,* that the right of said company to condemn and take land under this act shall be limited to a space of not more than one hundred feet on each side of the centre line of its roadbed, except in cases of deep cuts or high embankments, when said company shall have the right to condemn and take as much in addition thereto as may be necessary for the proper construction of its road; and except also that for depots, warehouses, station grounds, shops, yards, gravel pits, quarries or other purposes necessary for the construction and operation of said road it may condemn not exceeding ten acres in any one place. No right of condemnation shall apply for tramroads or other purposes of this act not of a public nature.

Proceedings.

SEC. 12. The said company shall have power to issue, negotiate and sell its bonds, either coupon or registered, for the construction or management or operation of its road, to any amount that may be necessary, not to exceed twenty thousand dollars per mile, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust, conveying its franchises, road-bed, rolling stock, right-of-way, and any and all other property of any kind owned by said company or any part of its said corporate property and franchises on such terms and conditions as a majority in value of its stockholders may deem proper.

Power to issue bonds and to mortgage property of company.

SEC. 13. Any of the counties of Wake, Johnston, Wayne, Harnett, Sampson, Duplin, Onslow, Cumberland, Bladen, Pender, Richmond, Brunswick and New Hanover, and any township, city or town in any of the said counties along or near the line of the constructed or proposed road of this company may subscribe to the capital stock of the company in the following manner: Upon presentation of a petition in writing signed by not less than twenty per centum of the votes of the county, township, city or town to the board of commissioners of such county, in case it is a county or township for which the application is made, or to the proper authorities of said city or town, in case it is a city or town for which application is made, requesting them to submit to the qualified voters of the county, township, city or town where such petitioners may reside a proposition to subscribe a definite sum, to be named in said petition, to the capital stock of this company, the board of commissioners of said county or proper authorities of said city or town (as the case may be) shall within thirty days after the said presentation of such petition order an election to be held in such county, township, city or town and submit to the qualified voters therein the question of subscribing to the capital stock of the said company the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription and shall vote, shall vote a ballot on which shall be written or printed the words "For Subscription," and those qualified to vote who are opposed to such subscription and shall vote, shall vote a ballot on which shall be written or printed the words "Against Subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county, township, city or town officers by the general election law of this State. Such election shall be held after thirty days' notice thereof, specifying the amount and terms of the proposed subscription shall have been posted at the court-house door of said county and at every polling place of said county, township, city or town where the said election shall take place, and the returns thereof shall be made to the board of commissioners of said

Certain counties, townships, cities and towns authorized to subscribe to capital stock, and manner of doing so prescribed.

county or proper authorities of said city or town; if a majority of the qualified voters vote for subscription, then the board of commissioners of said county or proper authorities of said city or town shall immediately make such subscription to the stock of the said company and shall issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued; they shall be in denominations of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate; they shall be signed, if issued by a county or township, by the chairman of the board of county commissioners, and by the clerk of said board of county commissioners, and if issued by a city or town, by the mayor and one of the commissioners or aldermen of said city or town.

Provisions for special tax levy to provide sinking fund and for payment of interest on bonds.

SEC. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or the proper authorities in any city or town voting for subscription, who are legally empowered to levy taxes, shall, in order to provide for payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year at the time of levying their taxes a sufficient tax upon the property and polls in said county, township, city or town to pay the interest on the bonds issued on account of such county, township, city or town, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity, preserving in all such levies the constitutional equation of taxation. The taxes levied as above provided shall be annually collected as other taxes and shall be paid by the collecting officer of such county, township, city or town to the treasurer of the county where the subscription has been made by a county or township, and to the treasurer of the city or town where the subscription has been made by a city or town; and the taxes levied and collected for these purposes shall be kept distinct from all other taxes and shall be used for the purpose for which levied or collected, and for no other; the sinking fund shall be invested as may be directed by the board of commissioners of the county issuing said bonds or in which there is a township issuing said bonds, or by the proper authorities of the city or town issuing said bonds: *Provided*, that whenever possible the sinking fund shall be invested in the purchase of the identical bonds issued under this act at a price not exceeding the par value thereof. In the event that the properties, rights and franchises, or any part thereof, of this company are hereafter acquired under the provisions of this act by any other company, the board of commis-



sioners of any county making such subscriptions or in which there is a township making such subscription, or the proper authorities of any city or town making such subscription, shall be and are hereby authorized to transfer such subscription to such other company as the payee and beneficiary thereof.

SEC. 15. For the purposes of this act all of the said counties of Wake, Johnston, Wayne, Harnett, Sampson, Duplin, Onslow, Cumberland, Bladen, Pender, Richmond, Brunswick and New Hanover, and all of the townships in all of the said counties which may vote to subscribe to the capital stock of the said company as provided by this act, shall be and are declared to be respectively bodies politic and corporate and vested with full power to subscribe as provided in this act and to assume the contract of indebtedness for the payment of said subscription, and shall have generally all the powers necessary and convenient to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties in which any such township is located are declared to be the corporate agents of said township so incorporated for the purpose of issuing the bonds of said township and to provide for the levy and collection of taxes on property and polls to pay the principal and interest of said bonds and to provide for the sinking fund hereinbefore mentioned.

Counties, townships, cities and towns subscribing to capital stock declared bodies corporate with certain powers, etc.

SEC. 16. That subscriptions to the capital stock of said company may be made and paid in money, land, material or services, or in bonds, stocks, or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company. The said president and directors shall have power and authority to require from the stockholders such advances on their respective shares from time to time as the wants of the company may demand until the whole of their subscriptions shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him, if payable in money, and within a reasonable time after the same shall have been required of him, if payable in services or otherwise, it shall be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing to pay, first giving thirty days' notice of the time and place of said sale in one or more newspapers published in this State; and, after retaining the sum due upon such share or shares of stock, and all charges of the sale out of the proceeds thereof, the said president and directors shall pay the surplus over to the delinquent owner or his legal representative; and if the said stock shall not bring at such sale the

Subscriptions to capital stock, how made and collected.

sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance, up to the unpaid amount of the original subscription for the said stock, of the original subscriber or his assignee or executor or administrator, or either of them, at the option of the said company, acting through its president and directors, by civil action in any court having jurisdiction thereof, and any purchaser of stock at such sale shall be subject to the same rules and regulations as the original proprietor.

Right to consolidate with other companies and to sell or lease road.

SEC. 17. The said company shall have the right to consolidate with any other railroad company organized or doing business under the laws of this State with which it may connect directly or indirectly on such terms and conditions as may be agreed upon by and between the stockholders of this and any other such company: *Provided*, that any corporation or company resulting from a consolidation under the foregoing provisions of this act shall be a domestic corporation and subject to the laws and jurisdiction of North Carolina; or said company may lease its road and property to any other person, persons or corporation upon such terms and on such conditions as to the stockholders may seem proper: *Provided*, that such consolidation or lease is approved by the affirmative vote of the holders of at least two-thirds of the capital stock of the said company.

Proviso as to company resulting from consolidation being a domestic corporation.

Proviso as to lease or consolidation being approved by two-thirds of stockholders.

Corporate existence.

SEC. 18. That the corporate existence of the company hereby chartered shall continue for the term of sixty years from and after the date of the ratification of this act.

Stockholders not individually liable for company's debts.

SEC. 19. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall not be individually liable for the debts, defaults or liabilities of the said company beyond the amount of their unpaid individual subscription to its capital stock.

Conflicting laws repealed.

SEC. 20. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby to the extent of such conflict repealed.

SEC. 21. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 11th day of March, A. D. 1901.

## CHAPTER 322.

AN ACT FOR THE RELIEF OF JOHN C. McLAUCHLIN,  
CLERK OF THE SUPERIOR COURT OF ANSON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That John C. McLauchlin, Clerk of the Superior Court of Anson County, be and he is hereby exempted\* from the provisions of section one hundred and fourteen (114) of The Code and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code during the months of July and August, nineteen hundred and one and nineteen hundred and two: *Provided, however,* that during his absence he shall have a competent deputy.

John C. McLauchlin exempted from provisions of Section 114 of The Code, and from liabilities and penalties mentioned in Section 115 of The Code.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 323.

AN ACT TO INCORPORATE THE CITIZENS BANK OF  
FRANKLINTON.*The General Assembly of North Carolina do enact:*

SECTION 1. That I. G. Staunton, George Winston, J. H. Harris, J. O. Green, W. L. McGhee, Jno. F. Mitchell, B. L. Mitchell, S. C. Vann, B. W. Ballard, C. S. Williams, R. C. Underwood, I. H. Kearney, T. C. Joyner, J. A. Vann, S. L. Britt, Samuel Merrill, A. H. Vann, C. L. McGhee, H. E. Pearce, E. J. Cheatham, R. B. White, their associates, successors, and assigns, are hereby created a corporation under the name of "The Citizens Bank of Franklinton," for the period of sixty years, with full power to sue and be sued in any court of the State or United States; to acquire, own and convey real and personal property, and to adopt and use a common seal, which may be altered when deemed expedient.

Names of incorporators.

Corporate existence and powers.

SEC. 2. The capital stock of the corporation shall be ten thousand dollars, divided into shares of one hundred dollars each, which capital stock [may] be increased from time to time by the vote of two-thirds of the stock to a sum not to exceed one hundred thousand dollars. The corporation may commence business as soon as five thousand dollars of the stock is paid in. The

Capital stock; minimum and maximum amounts of.

Corporation may organize, when.

Principal place of business, where. principal office and place of business of the corporation shall be in Franklinton, N. C.

Organization, where and how; rules and regulations and election of officers. SEC. 3. At any time after the ratification of this act, the above corporators or a majority of them may call a meeting of the stockholders to be held in the town of Franklinton, N. C., and at such meeting, if a majority of the stock be represented, they may adopt such regulations and by-laws for the government as the corporation as they choose, not inconsistent with the laws of the State, and may elect a president, vice-president and such number of directors, not less than five nor more than twelve, as they choose, to serve for one year, or until their successors shall be chosen.

Officers, how elected; duties and bonds of. SEC. 4. The directors shall elect a cashier and such other officers and clerks as may be required to serve at the discretion of the directors, and the directors may prescribe their duties, take from them bonds for the faithful discharge of such duties, and fix their compensation, and fill all vacancies caused by death or otherwise of the officers of the corporation.

General banking powers. SEC. 5. The said directors may prescribe the manner of paying for stock; 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 rate agreed upon, subject to the laws of the State as to the rate; may discount, buy, and sell notes, drafts, and all other securities and evidences of debt; may lend money on mortgages of real or 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 on real or 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.

Deposits by married women, minors, etc. SEC. 6. That when married women, minors or apprentices shall deposit money or other thing of value in said bank, generally or specially, to their own credit, the same may be withdrawn on their check, draft, or other order, and they and all other persons shall be bound by such draft, check or order, and the same shall be an absolute release and discharge of said bank from liability for the same.

Real estate, how conveyed; power to buy and sell same. SEC. 7. Any real estate held by the corporation at any time may be duly conveyed by a deed signed by the president and cashier with its seal affixed to the same. The said corporation may buy any real or personal property sold by anyone for it under deeds of trust or other assurance of debt due it, when in its judgment necessary for its protection.

SEC. 8. This corporation is authorized to organize in connection with its general banking business a department for savings, and to do a savings bank business for convenience of small depositors, to make regulations in regard thereto, and in that event the said bank may receive deposits in the savings department and give certificates therefor, and pay such interest as the directors authorize, not exceeding the legal rate.

Power to do a savings bank business.

SEC. 9. Said corporation shall have the power to own, maintain and 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 or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; to advance money and take legal liens for such advances, and collect and receive interest and commissions and compensation for storage and all labor and expenses incident thereto. All advances made by said corporation on property received for storage or deposit and a compensation for all charges and expenses thereon shall be a preferred lien on said property, subject to prior registered liens which shall be satisfied and paid for before said corporation shall be required to deliver such property.

Power to do a warehouse business.

SEC. 10. 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 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, etc., and generally for managing such business; and for doing any and all the things authorized by this charter, such corporation may charge such premiums, commission, or rate of compensation as may be agreed upon.

Privileged to act as agent, factor or trustee.

SEC. 11. Said corporation is hereby authorized to receive on deposit for safe keeping any and all valuables and shall be entitled to charge such commission or compensation as may be agreed upon. The said bank is also 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 persons, bodies politic, public or private, and to accept the office of executor, administrator, collector, guardian or assignee wherever such appointment is made or conferred by any person or persons or court in the State or of the United States, and shall be clothed with the same powers and be under the same restrictions as private individuals are in the same capacity.

Safe deposits and special powers of accepting trusts.

Stock, how transferred, etc.

SEC. 12. No stock held in this corporation shall be transferred except on the books of the corporation in person or by the written power of attorney, and no stock shall be transferred at all by any one indebted in any way to said corporation, until said indebtedness has been fully paid, without the consent of a majority of the directors in meeting expressed, and all stock shall be liable for all debts due to the corporation by stockholders and shall be affected with a lien for such indebtedness.

Stock, how voted.

SEC. 13. Each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of the par value of one hundred dollars held by him and may vote by proxy.

Provisions regarding books of subscription.

SEC. 14. 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, and subscriptions already made and other acts done or which may be done before the granting of this charter for and in the name of said bank, not inconsistent with said charter, are hereby expressly ratified, confirmed, and made valid and binding in all respects as if they had been done after the charter is granted.

Unpaid balances of subscriptions to stock, how recorded.

SEC. 15. In the event any subscriber to the stock of this corporation shall fail to pay for his stock or any part of it, hereafter or heretofore subscribed, the amount so due on said stock may be recovered by the directors in a civil action or the directors may sell such stock at public auction at the banking house of the corporation after giving thirty days' public notice of such sale and like notice to the holders of such defaulting stock; and the amount realized at such sale shall be applied to the costs of such sale, the amount remaining due and unpaid for such stock and entered on same, and any balance to the owner of such stock; if the amount realized be insufficient to pay the balance due, then such balance may be recovered by civil action against the subscriber for the same.

Stockholders individually liable for corporation's debts, etc.

SEC. 16. All stockholders shall be individually liable and responsible for any debts and obligations of the corporation 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 section 686 of The Code.

Immunities, privileges, etc., how and when forfeited.

SEC. 17. The immunities, powers and privileges herein granted shall be forfeited if not used in two years.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 324.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
FAISON, DUPLIN COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Faison in Duplin County be so amended that section three (Laws of North Carolina, 1891) of said charter shall read, "One-half mile" instead of 600 yards each way from where the railroad crosses Main street in said town (thus extending the limits of the town.)

Section 3, Laws of 1891, amended, relating to charter of the town of Faison.

SEC. 2. That section four of said charter shall read "on the first Monday in January of each year," instead of on the first Monday in May of each year, so as to change the date of holding the election for town officers.

Time of elections changed.

SEC. 3. That this act shall take effect from and after the first day of June, 1901.

In the general Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 325.

AN ACT TO INCORPORATE MILDRED IN EDGECOMBE  
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Mildred, in the county of Edgecombe, be and the same is hereby incorporated by the name and style of Mildred, and the limits of said town shall be as follows: Beginning at a point where the canal crosses the Albemarle and Raleigh Railroad, thence with said canal to a stake in the corner of the lands of D. E. Cobb, and Cobb and Mayo, thence southeast to the corner line of J. C. Harrell, thence with said Harrell's and Cobb and Mayo's line to a stake near a blazed persimmon tree, thence northeast to a black-gum near John B. Harrell's house, thence northwest to the beginning, estimated to be eight hundred and eighty yards square, more or less.

Corporate name.

Corporate limits.

SEC. 2. That the officers of said town shall be a Mayor, three Commissioners, and a Constable, to be elected in accordance with the laws regulating the election of officers for the cities and towns of this State, as provided by chapter 62 of The Code.

Officers, how elected.

Names of present incumbents.

SEC. 3. That until the first election to be held under the charter, to-wit, the first Monday in May, 1902, and until their successors shall be elected and qualified, the officers of said town shall be: Mayor, D. E. Cobb; Commissioners, Marion Cobb, J. F. Leggett and Gray Harrell, and Constable, W. H. Warren.

Jurisdiction and power.

SEC. 4. That the said town and the officers thereof shall be governed by and shall have and exercise all the jurisdiction, rights and powers conferred under and by the provisions of chapter 62 of The Code and laws amendatory thereof.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 326.

### AN ACT TO AUTHORIZE THE COMMISSIONERS AND SCHOOL DIRECTORS OF RANDOLPH COUNTY TO AUDIT CERTAIN CLAIMS.

*The General Assembly of North Carolina do enact:*

Boards of commissioners and school directors authorized to pay claims of W. F. Redding and D. H. Hollida certain claims.

SECTION 1. That the Board of Commissioners and the Board of County School Directors of Randolph County be and they are hereby empowered to settle with W. F. Redding, ex-Sheriff of Randolph County, and D. H. Hollida, ex-Treasurer of Randolph, for any and all sums of money which the said ex-Treasurer and the said ex-Sheriff of said county have advanced on the county funds, road funds, stock law funds of any territory, or which may have been paid or advanced on any school district in said county: *Provided*, that after an investigation and settlement the said Board of Commissioners and the said Board of School Directors find said amounts paid and advanced to be just and right.

Power to summon witnesses.

SEC. 2. That the said Board of Commissioners and the said Board of School Directors may have the authority and power to subpoena such witnesses as may be deemed necessary to be examined in the investigation and settlement with said ex-Treasurer and the said ex-Sheriff.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.



## CHAPTER 327.

## AN ACT FOR THE RELIEF OF H. C. KEARNEY, SHERIFF OF FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That H. C. Kearney, Sheriff of Franklin County, and J. M. Monroe, late Sheriff of Rowan County, be and they are hereby authorized to collect for the benefit of themselves the arrears of taxes due them in said county for the years 1893, 1894, 1895, 1896, 1897, 1898, 1899 and 1900, under such rules and regulations as are provided by law for the collection of taxes.

H. C. Kearney, Sheriff of Franklin County, and J. M. Monroe, late Sheriff of Rowan County, authorized to collect arrears of taxes.

SEC. 2. That the authority hereby given to collect the arrears of taxes shall cease and determine on the first Monday in December, 1902.

Authority to collect arrears to cease, when.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 328

## AN ACT FOR THE RELIEF OF D. C. RUFFY, FORMER TAX COLLECTOR OF THE CITY OF STATESVILLE, IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That D. C. Ruffy, former Tax Collector of the city of Statesville, in the county of Iredell, may and he is hereby authorized and empowered to collect all arrears of taxes now due and which were levied for the city of Statesville for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, and said D. C. Ruffy may appoint one deputy to assist in the collection of such arrears of taxes, and the said D. C. Ruffy and his deputy, if he has one, may collect said arrears of taxes by and under the law governing the collection of taxes for the city of Statesville for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

D. C. Ruffy, former tax collector for Statesville, Iredell county, authorized to collect arrears of taxes.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 329.

## AN ACT TO AMEND CHAPTER SEVEN OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1895.

*The General Assembly of North Carolina do enact:*

Chapter 7, of Private Laws of 1895, amended, relating to incorporation of Lousburg Savings Bank.

SECTION 1. That chapter seven of the Private Laws of North Carolina, session of 1895, be amended by striking out the word "seven" in line six of section four of said chapter, and inserting in lieu thereof the word "twenty."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 330.

## AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF SALISBURY." RATIFIED THE 6th DAY OF MARCH, A. D. 1899, BEING CHAPTER ONE HUNDRED AND EIGHTY-SIX OF THE PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

Chapter 186, Private Laws of 1899, amended, relating to charter of city of Salisbury.

SECTION 1. That chapter one hundred and eighty-six of the Private Laws of eighteen hundred and ninety-nine, entitled "An act to amend, revise and consolidate the charter of the city of Salisbury," be and the same is hereby amended by adding thereto the following:

Board of Water Commissioners named.

SEC. 2. That Dr. Jno. Whitehead, Lee S. Overman, C. B. Jordan and John S. Henderson are hereby constituted a Board of Water Commissioners for the city of Salisbury, of which board the Mayor of the city of Salisbury shall be *ex officio* chairman. That at all meetings of the said board the Mayor shall preside, but shall vote only in case of a tie.

Terms of office of Water Commissioners.

SEC. 3. That the two Commissioners first named above shall hold office until the first Monday in June, nineteen hundred and two, or until their successors shall be appointed and qualified, and the two Commissioners last named shall hold their office until the first Monday in June, nineteen hundred and three, or until their successors are appointed and qualified.

SEC. 4. That the Board of Aldermen of the city of Salisbury at their regular meeting in June, nineteen hundred and two, shall elect two Commissioners to succeed the two first named above, and at their regular meeting in June, nineteen hundred and three said Board of Aldermen shall elect two Commissioners to succeed the last two named above, and said Commissioners so elected shall hold office for two years from the date of their election, and until their successors are qualified. That thereafter said Board of Aldermen shall, at their regular meeting in June, of any year that the term of office of any Commissioners expire under this act, elect their successors, and said persons so elected shall hold office for two years from the date of their election, and until their successors are appointed and qualified.

Successors to  
commissioners,  
how elected.

SEC. 5. That the Commissioners appointed by this act and their successors in office shall take an oath to faithfully discharge the duties of the said office, to be administered by the Mayor of the city of Salisbury. That on or before the first day of June, nineteen hundred and one, the Commissioners herein appointed shall assemble and organize, and the Mayor of the city of Salisbury shall be *ex officio* chairman of the board, when so organized they shall be known as the Board of Water Commissioners of the city of Salisbury, and shall be a corporation under the corporate name of the Board of Water Commissioners of the city of Salisbury, and as such corporation they shall have power to sue and be sued, to hold real estate, and to enjoy the usual privileges of a corporation.

Oath of office of  
commissioners.

Organization of  
board.

Board incorpo-  
rated.

Corporate name  
and powers.

SEC. 6. That a majority of said board shall constitute a quorum for the transaction of business, and all contracts and engagements, acts and doings of said board within the scope of their duty or authority shall be obligatory upon, and be in law considered as if done by the Board of Aldermen of the city of Salisbury; and said board shall, for and in the name of the Board of Aldermen of the city of Salisbury, take and hold the land, real estate, rights, franchises and property of every kind now owned by the said Board of Aldermen of the city of Salisbury, or that may hereafter be purchased, for the purpose of operating and maintaining a system of water-works for the said city; and they shall have power to acquire such additional property and make such additional improvements thereof as may be necessary to supply the city of Salisbury with a sufficient supply of good and wholesome water.

Quorum.

Powers of com-  
missioners.

SEC. 7. That in case it becomes necessary to purchase additional lands, or water rights necessary for the operation of said system of water-works, and there should be a disagreement between the owner of any such lands or water rights, and the board as to the price to be paid therefor, or as to damages done

Provisions for  
assessment of  
damages.

thereto, it shall be lawful for either party to apply to the Clerk of the Superior Court of Rowan County, who shall thereupon appoint three disinterested persons to examine said property and assess the value thereof or the damage done to the same, who, after taking an oath before said Clerk to administer the same impartially, shall proceed to assess the same and make return of their actions and doings to the said Clerk of the Superior Court, who shall enter the same upon the minutes of the Court and enter judgment according to the said report: *Provided*, that in case either party is dissatisfied with said award, he or they may appeal to the Superior Court of said county at term time, and have said case tried as is provided for cases of appeal from the Clerk to the Court in term time: *Provided, also*, that either party desiring to appeal from the judgment of the Clerk shall give the opposite party notice within ten days after the rendition of the said judgment. That this act shall not be construed to allow said board to take said land until the damages awarded are paid.

Right to use ground of road, railroad, etc., for improvements to plant.

SEC. 8. That the said Board of Water Commissioners and all persons acting under their authority, shall have the right to use the ground or soil of any road, railroad, highway, lane or alley for the purpose of enlarging or improving the plant or system of water-works owned by the city of Salisbury, upon condition that they shall not permanently injure any such property; the same shall be restored to its original condition or damages done thereto shall be repaired by the said board.

Duty of board regarding regulation and use of water, erection of public hydrants, etc.

SEC. 9. That said board shall regulate the distribution and use of water for all places and for all purposes where the same may be required, and from time to time shall fix a price for the use thereof and time of payment; and they shall erect such a number of public hydrants and in such places as they shall see fit, and shall direct in what manner and for what purposes the same shall be used; and they shall erect such a number of public places for urinating, and also having public water closets, all of which shall be established or erected in the city of Salisbury, any of which they may change at their discretion: *Provided, however*, that all hydrants or appliances required and furnished for the purpose of extinguishing fires shall be erected at the expense of the Board of Aldermen of the city of Salisbury, and shall be placed as they direct and shall be under their exclusive control and direction.

Proviso.

Payment of water rates.

SEC. 10. That the said board shall have full power and authority to require the payment in advance for the use or rent of the water furnished by them in or upon any building, place or premises; and in case prompt payment shall not be made, they may shut off the water from such building, place or premises after five days' notice, and shall not be compelled again to supply said

premises, building or place with water until the sum due with interest thereon shall be fully paid.

SEC. 11. That the said board shall make no contract for the price of using the water for a longer time than three years.

Contracts for water.

SEC. 12. That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said water-works or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe or other property used or acquired for procuring or distributing the water, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or shall be imprisoned not exceeding one year at the discretion of the Court.

Penalty for diversion of water from water works, etc.

SEC. 13. That all land and property of every kind held by the said Board of Water Commissioners for the purpose aforesaid shall be exempt from taxes and assessments.

Property of board exempt from taxes.

SEC. 14. And said board shall have power to make rules and regulations with respect to the introduction of water into or upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper; and the members of said board and all engineers, superintendents or inspectors in their service are hereby authorized and empowered to enter, after demand made and refusal, at all reasonable hours any dwellings or other place where such water is taken and used, where unnecessary waste thereof is known or suspected, and examine and enquire into the cause thereof; and if any person refuses to permit such examinations, or opposes or obstructs such officers in the performance of such duty, he, she or they, so offending, shall forfeit and pay the sum of ten dollars, to be recovered before any Justice of the Peace in an action by the said board, and the supply of water may also be cut off until the required examination is made and the required alterations and repairs are made.

Rules and regulations.

Officers empowered to enter homes to examine causes for waste of water.

Penalty for interference with officer.

SEC. 15. That the said Board of Water Commissioners shall collect, or cause to be collected, all rents, forfeitures or emoluments arising from the operation of said system of water-works of the city of Salisbury. They shall cause accurate accounts to be kept of all receipts and expenditures of money coming into their hands, and shall, at least once in each year, make a detailed report thereof to the Board of Aldermen of the city of Salisbury. They shall pay, or cause to be paid, such moneys as shall come into their hands to the treasurer of the Board of Water Commissioners, which money shall be disbursed by the treasurer of the board only upon the warrant of said Board of Water Commissioners.

Collection of rents, etc.

Account and disbursement of receipts.

SEC. 16. That the City Clerk and Treasurer of the city of Salisbury shall be *ex officio* clerk and treasurer of said Board of Water

Clerk and treasurer of Board and pay of same.

Commissioners, and for his service as such he shall receive such compensation as shall be fixed by the said board.

Payment of expenses of operating plant and disposal of surplus.

SEC. 17. That the said Board of Water Commissioners shall out of any money received by them, pay, first, the costs and expenses of operating the plant or system of water-works under their control, including costs of such improvements as they may deem necessary for the efficient working of the same, and the net balance, if any, they shall pay over to the Treasurer of the city of Salisbury.

Disposal of net balance from water system receipts.

SEC. 18. That the Board of Aldermen, out of such net balance, if any, shall pay, first, the interest upon such of the bonds of the city of Salisbury as were sold for the purpose of raising money to purchase said system of water-works, and the balance remaining after the payment of such interest shall be invested by the Treasurer of the city of Salisbury, under the direction of the Board of Aldermen, and shall remain and be known as a sinking fund, to meet the payment of said bonds at their maturity.

Compensation of Commissioners.

SEC. 19. That the members of said Board of Water Commissioners shall receive such compensation as shall be fixed by the Board of Aldermen and shall not exceed the sum of two hundred dollars each per annum. That the amount of said compensation shall be fixed at the time of their entrance into office and shall not be changed during their said term.

Conflicting laws repealed.

SEC. 20. That all laws in conflict with this act are hereby repealed.

SEC. 21. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 331.

### AN ACT TO EXTEND THE TIME FOR ORGANIZATION AND BEGINNING CONSTRUCTION BY THE ATLANTIC AND WESTERN RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Time of organization of Atlantic and Western Railroad Company extended.

SECTION 1. That the time for organizing and beginning construction by the Atlantic and Western Railroad Company, under its charter granted by the General Assembly of North Carolina, in chapter 362 of the Private Laws of 1899, is hereby extended for two years from the ratification of this act.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 332.

## AN ACT TO INCORPORATE THE CAROLINA BENEVOLENT ASSOCIATION.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That N. B. Broughton, S. B. Alexander, J. S. Wynne, John A. Mills and W. J. Peele, and their associates, successors and assigns, be and are hereby constituted a body politic and corporate, under the name and style of the Carolina Benevolent Association, and under that name and style may sue and be sued, plead and be impleaded in any and all courts, and may by purchase, gift, devise, or in any other way accrue, hold, enjoy and possess any tenements, hereditaments and personal property as may be necessary to effect the object of this association, and may sell and convey the same at pleasure, and may make, establish and put in execution such by-laws, ordinances and regulations, not being contrary to the laws of this State or the United State, as may be necessary and convenient for the regulation of the said association and the government and management of its affairs, and to execute all such acts and things as may be necessary to carry into effect the provisions of this act, and may adopt a common seal, which they may break or alter at pleasure.
- Sec. 2. That the principal place of business of the said corporation shall be at the city of Raleigh, State of North Carolina.
- Sec. 3. That the purpose and object for which the corporation is formed is doing a mutual benevolent life insurance business.
- (a) That the entire control and management of the affairs of the corporation shall be vested in the Board of Directors, who shall hold their offices until their successors are elected, and they shall make from time to time such rules, regulations and by-laws as they may deem necessary for the government of the association, and to the conduct and management of its affairs; and shall elect the officers of the association, determine the salaries, compensation and terms of office, and shall prescribe the powers and duties of said officers. The Board of Directors shall have the power to fill any vacancies which may occur in the said board.
- (b) That the officers of the said association shall be a president, vice-president, secretary and treasurer, and a board of auditors.
- (c) That it shall be the duty of the Board of Directors to set apart and establish what shall be known as the Emergency Fund of the association, which they shall invest in good interest-bearing securities, and which shall be established as follows: Out of each payment for membership they shall set apart the sum of two dollars to the emergency fund, and out of each payment for

Names of incorporators.

Corporate name and powers.

Principal place of business.

Purpose and object of corporation.

Board of Directors, powers of, term of office, etc.

Officers.

Emergency fund, how established, etc.

Division of members into classes and limit of insurance.

Board authorized to purchase business of the Carolina Benevolent Association, a South Carolina corporation.

annual dues they shall set apart the sum of one dollar to the emergency fund: *Provided*, that when any member shall within three years from the date of his certificate of membership cease to become a member by forfeiture or otherwise, so much of the amounts paid by him as shall have been credited to the emergency fund shall be withdrawn therefrom and credited to the expense fund of the association.

(d) That the Board of Directors shall have power to divide the members of the association into divisions: *Provided*, that no new divisions shall be created until all of the existing divisions shall consist of at least three hundred members each, and that no policy of insurance shall be written upon the life of any member in any one division exceeding the sum of one thousand dollars.

SEC. 4. That the Board of Directors shall have power to purchase, procure and assume the business now conducted by the Carolina Benevolent Association, a corporation created, organized and existing under and by virtue of the laws of the State of South Carolina, and upon doing so shall assume all the obligations and liabilities of the association.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

CHAPTER 333.

AN ACT TO REVISE THE CHARTER OF THE CITY OF GREENSBORO.

*The General Assembly of North Carolina do enact:*

CHAPTER 1.

*Incorporations.*

Corporate name and powers.

SECTION 1. That the inhabitants of the city of Greensboro shall be and continue as they have been, a body politic and corporate, and the corporation shall bear the name and style of the City of Greensboro, and under such style and name is hereby invested with all the property and rights of property which now belong to the corporation, under any other name or names heretofore, and by this name may acquire and hold all such estate as may be devised, bequeathed, sold or in any manner conveyed to it, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same,



and under this name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations.

SEC. 2. That the corporate limits shall form a square, the center of which shall be the center of the intersection of Elm and Market streets; and the sides of said square shall each be two miles in length, and shall cut at right angles imaginary lines down due north, south, east and west from the center, which said territory, consisting of four square miles, shall be divided into six wards. The first ward shall embrace that portion of the said territory lying between North Elm and West Market streets and the city boundary line from the points of its intersection with the said streets; the second ward shall embrace that portion of said territory lying between North Elm and East Market streets and the boundary line of the corporation from its intersection with the said streets; the third ward shall embrace that portion of said territory lying between and bounded by South Elm Street on the west, and East Market Street on the north, the city boundary line on the east, and on the south the old Southern boundary of the corporation as fixed by the charter of said city, ratified on the 11th day of March, 1889; the fourth ward shall embrace that portion of said territory lying between and bounded by South Elm Street on the east, West Market Street on the north, the city boundary line on the west, and the said old Southern boundary of the city on the south, and the remainder of said territory being all that portion lying south of the said old city boundary line shall be divided as at present by Arlington Street into two wards, the portion on the west of said street being the fifth ward, and the portion on the east being the sixth ward.

Corporate limits.

Boundaries of wards described.  
First ward.

Second ward.

Third ward.

Fourth ward.

Fifth and sixth wards.

#### CHAPTER 33.

##### *Elections.*

SEC. 3. There shall on the first Monday in May, on thousand nine hundred and one, and every two years thereafter, be elected a Mayor and twelve Aldermen for the said city; two of said Aldermen shall be chosen from each ward, and the administration and government of the city shall be vested in said Mayor and Board of Aldermen and such other officers as are hereinafter provided for.

Election of mayor and aldermen, when held.

SEC. 4. That all persons entitled to vote for members of the General Assembly at the time of the elections provided for in the preceding section, and who have been residents of the city for ninety days next preceding the day of election, and shall have registered as provided herein, shall be allowed to vote for Mayor and the Aldermen, for all the wards, and no one except a qualified elector of the city shall be eligible to any office in the cor-

Qualifications of voters.

poration, and the Aldermen shall be residents of the wards for which they are chosen.

Provisions for  
testing qualifica-  
tions of voters.

SEC. 5. That the provisions made or hereafter made by the General Assembly, which may be in force at the time of any city election, for testing the qualification and right of any person to vote, shall apply, as far as possible, to any election held under this charter, and the registrar and judges of election are hereby invested with full and ample judicial power to pass upon and decide said qualifications.

Registrars and  
judges of election,  
number of, when  
appointed.

SEC. 6. That the Board of Aldermen shall on the first Monday in March, one thousand nine hundred and one, and every two years thereafter, appoint a registrar and six judges of election, one from each ward, and all of whom shall be qualified voters, and said board shall cause publication thereof to be made at the court-house door, and notice to be served on such appointees by the Chief of Police, and shall give ten days' notice of a registration of voters for the said election at the court-house door, specifying the time, place and name of registrar for said election.

Notice of registra-  
tion.

Registration  
books, revision  
of, when opened  
and closed; con-  
tents of; oath of  
voters; penalty  
for false swearing  
of voter; new  
registration.

SEC. 7. That the registrar shall be furnished by said Board of Aldermen with registration books, and it shall be his duty after being qualified to perform the functions of his office fairly, impartially and according to law, to revise the existing registration books of the said city in such manner that said books shall show an accurate list of electors previously registered in such city and still residing therein, and entitled to vote without requiring such electors to be registered anew; and such registrar shall also between the hours of seven o'clock a. m. and sunset (Sunday excepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in such city and entitled to registration, whose names do not appear in the revised list, and he shall register in said books all names of persons not so registered, who may apply for registration, and who are entitled to vote in said city, keeping the names of the white voters separate and apart from those of the colored voters, and any person offering to register may be required to take and subscribe an oath that he has resided in the State of North Carolina twelve months, and in the city of Greensboro ninety days previous to the day of election, and that he is twenty-one years of age, and that he is a qualified elector of said city as defined in section four of this act. If any person wilfully swear falsely in taking such oath, he shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of one hundred dollars and imprisoned sixty days in the county jail. But the Board of Aldermen, upon fifteen days' notice before the opening of the books may order an entirely new registration of voters whenever they may deem it proper.

SEC. 8. The registration books shall be closed ten days before the election, and after the same are closed no person shall be allowed to register, except those coming of age after the books close and before or on election day, who are otherwise qualified electors of the city, and the books shall then be placed in the office of the City Clerk, and may be inspected by any person so desiring, and the Clerk shall mark the day on which they were received by him, and they shall not be taken from his custody until the day of election. Any register failing to deposit his registration book with the Clerk, at the time prescribed, shall receive no compensation for making said registration, and shall be guilty of a misdemeanor.

Registration of voters coming of age after closing of books; inspection of books; penalty for registrar's failing to place books with clerk.

SEC. 9. That after being duly sworn by the Mayor or a Justice of the Peace to conduct the election fairly, impartially and according to law, the registrar and the judges of election shall open the polls, receive and deposit the ballots in the boxes provided for that purpose, administer oaths, decide all challenges on the day of election and all questions of voting, superintend and conduct the election for municipal officers in like manner and during the same hours as elections for members of the General Assembly are conducted. They shall count the ballots and declare the result, and shall receive such pay for their services as may be allowed by the Board of Aldermen.

Election, how held.

SEC. 10. If any judge or the registrar shall fail to be present on the day of election his place shall be filled by the Mayor at once, and if at any time the Registrar is temporarily unable to act as such, the Mayor may appoint a temporary registrar to act for him after being duly sworn, or if a vacancy should occur in said office, for any reason, then the Mayor shall appoint to fill the vacancy. The voter shall designate on his ballot the person for whom he votes for Aldermen, otherwise his vote shall not be counted. Ballots shall all be on white paper, and without device, and the Aldermen for each ward shall be so designated and voted for on same ballot as the Mayor.

Vacancies on board of election officers, how filled; description of ballots.

SEC. 11. That at the close of the election the votes shall be counted by the registrar and the judges and such persons as shall receive the largest number of votes for Mayor shall be declared elected Mayor, and such persons as shall receive the largest number of votes for Aldermen shall be declared elected Aldermen for their respective wards, and Mayor and Aldermen shall be notified of their election by the said registrar and judges. The Board of Aldermen may at any time provide for more than one voting place and may appoint such registrars and judges as may be proper, and in case more than one voting place is provided, the board may make such provisions as it may deem proper as to the residence of the registrar and judges and as to the number at each place.

Count of vote and declaration of result; provisions for additional voting places.

Preservation of ballots and poll and registration lists.

Returns of election.

SEC. 12. After the ballots shall have been counted they shall be carefully preserved, and the registrar and judges of the election shall certify and subscribe the poll and registration lists which, together with the ballots aforesaid, shall be returned to the City Clerk, who shall keep them in the archives of the city, and two returns of the result of the election shall be made under the hands of the registrar and the judges of election, setting forth in writing and in words the number of votes each candidate received, one of which returns shall be given to the Mayor, and the other filed in the archives of the city by the City Clerk, who shall, on the day following, publish the result of the election at the door of the court-house or city hall.

Decision of tie on vote for mayor or aldermen.

SEC. 13. If of the persons voted for as Mayor, there shall be an equal number of votes between any two or more having the largest number of votes, or if of the persons voted for as Aldermen there shall be an equal number of votes between two or more of the Aldermen, the registrar and judges shall decide by ballot the election between such persons, voting separately for the candidates in each ward in which there may be a tie, and the two persons from the respective wards having received the highest number of votes shall be declared elected Aldermen of the said city, and the person receiving the highest number of votes as Mayor shall be declared elected to that office.

Official oath of mayor.

SEC. 14. That the Mayor, on the day after the election, or as soon thereafter as possible, and before entering upon the duties of his office, shall, before the outgoing Mayor or a Justice of the Peace, take the following oath:

"I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of Mayor of the city of Greensboro, while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the city, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Official oath of aldermen.

SEC. 15. That each Alderman, before entering upon the duties of his office, shall take before the Mayor, or some Justice of the Peace, an oath that he will truly and impartially perform the duties of Alderman for the city according to the best of his skill, ability and judgment.

Term of office.

SEC. 16. That the Mayor and Aldermen shall hold their offices respectively until the next ensuing election, and until their respective successors shall be qualified.

Penalty for failure to give notice of election, etc.

SEC. 17. That if the Aldermen shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in default shall forfeit and pay

for the equal benefit of the city, and of him who shall sue therefor, one hundred dollars.

SEC. 18. That if any person elected Mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification, or if the Mayor be unable to discharge the duties of his office, the Board of Aldermen shall choose some person for the unexpired term, or during his disability, as the case may be, to act as Mayor, and he shall be clothed with all the authority and powers given under this charter to the regularly elected Mayor, and the Board of Aldermen shall also choose other Aldermen to supply the place of such as shall refuse to act, and fill all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible: *Provided*, in the event of the Mayor's absence or sickness or inability to act, the Board of Aldermen may appoint one of their number *pro tempore* to exercise his duties.

Vacancies in offices of mayor or aldermen; how filled.

Proviso, as to mayor *pro tem*.

SEC. 19. That any person elected Mayor or Alderman, who shall refuse to be qualified as such, shall forfeit and pay to the equal use of the city, and of him who will sue therefor, the sum of twenty-five dollars.

Penalty for refusal of mayor to qualify.

#### CHAPTER III.

##### *Mayor.*

SEC. 20. That the Mayor of the city of Greensboro is hereby constituted a special court with all the jurisdiction and powers now and hereafter given to Justices of the Peace in criminal offences occurring within the limits of said city, or upon property belonging to said city; he shall preserve and keep peace, and may upon proper proceedings, cause to be arrested persons found in the city limits charged or convicted of crimes in other counties or States, and may bind such persons to appear at the proper tribunal to answer for their offences, or in proper cases may imprison them. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors, consisting of a violation of the ordinances and regulations of the said city, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and rules made by the Aldermen, and his endorsement of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same, and he may issue process without complaint, when he is satisfied that there has been a violation of the law: *Provided, nevertheless*, that he shall not have jurisdiction of laws of any nature or amount other than such whereof a Justice of the Peace may take cognizance, unless specially allowed by this act.

Mayor's court; jurisdiction of etc.

SEC. 21. That all proceedings in the Mayor's Court shall be the same as are now or hereafter shall be prescribed for courts of Justice of the Peace, and in all cases there shall be a right of

Proceedings in mayor's court, how conducted.

appeal to the Superior Court of the county of Guilford. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court for failure to pay fines and costs it shall be competent for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the city.

Precepts of mayor, to whom issued.

SEC. 22. That the Mayor may issue his precepts to the Chief of Police of the city and to such other officer to whom the Justice of the Peace may issue his precepts.

Records of mayor's court.

SEC. 23. That the Mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a Justice of the Peace, and may be executed and enforced against the parties in Guilford County and elsewhere in the same manner and by the same means as if the same had been rendered by a Justice of the Peace for the county of Guilford.

Office and salary of mayor.

SEC. 24. That the Mayor shall keep his office in some convenient part of the city, designated by the Aldermen. He shall keep the seal of the corporation, and perform such duties as from time to time shall be prescribed, and he shall receive a salary to be fixed by the Board of Aldermen.

Mayor to preside over meetings of aldermen, but to vote only in case of tie.

SEC. 25. That the Mayor shall preside at all meetings of the Board of Aldermen, except as otherwise herein provided, and when there is an equal division upon any question, or in the election of officers by the Board, he shall determine the matter by his vote, and he shall vote in no other case.

#### CHAPTER IV.

##### *Board of Aldermen.*

Quorum of board and meetings, regular and special.

SEC. 26. That the Aldermen form one board, and a majority of them shall constitute a quorum and be competent to perform all the duties prescribed for the Aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often, at least, as once in every calendar month.\* Special meetings of the Aldermen may be held on the call of the Mayor or a majority of the Aldermen, and all Aldermen, when a meeting is called by Mayor, and those not joining in call when made by a majority of the board, shall be notified of the meeting, but the board may at any regular meeting adjourn the meeting to any subsequent time, at which said time it may transact any business that could be transacted at a regular meeting.

SEC. 27. That if any Alderman shall fail to attend a regular meeting of the Board of the Aldermen, or a special meeting of

which he shall have notice as prescribed in the charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of four dollars, and it shall be the duty of the Mayor to enforce such forfeiture.

Penalty for failure of aldermen to attend meetings of board.

SEC. 28. That the Aldermen when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government or general welfare of the city, as are not inconsistent with this charter and with the Constitution and laws of the State.

Ordinances, by-laws, etc.

#### *Appointive Officers.*

SEC. 29. That the Aldermen at their first meeting after their election, or as soon thereafter as convenient, shall appoint a City Clerk, a City Attorney, a Treasurer and a Collector of Taxes, and a Chief of Police, who shall respectively hold their offices during the official term of the Aldermen, who appointed them, subject, however, to be removed at any time by the Board of Aldermen, and others appointed in their stead, for misbehavior or neglect in office. Before acting, each of the said officers shall be sworn to the faithful discharge of his duty, and all except the City Attorney shall execute a bond payable to the city of Greensboro, in such sum as the Aldermen shall determine, and the said officers shall receive such compensation as the Board of Aldermen may allow.

Other officers, how appointed; term of office; official oath and bond.

SEC. 30. That it shall be the duty of the City Clerk to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be directed by the Board of Aldermen, and by this charter.

City clerk, duties of.

SEC. 31. That the Treasurer shall make out annually a fair transcript of the receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted at the door of the court-house or city hall at the end of each fiscal year, and for his failure to comply with the duties prescribed in this section, he shall forfeit and pay for the use of the city, and him who shall sue therefor, one hundred dollars.

Treasurer's transcript.

Forfeiture for failure by treasurer to make and post transcript.

SEC. 32. That it shall be the duty of the Treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city, which ought to be paid or delivered into the treasury to surrender same to him, and to safely keep the same for the use of the city, to disburse the funds according to such orders as may be duly drawn on him in the manner herein-after specified; he shall keep in a book provided for that purpose

Treasurer, duties of.

a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the Aldermen whenever required to do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise, and, during his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as City Treasurer.

Orders on treasurer, how signed, etc.

SEC. 33. That all orders drawn on the Treasurer shall be signed by the City Clerk, and countersigned by the Mayor, and shall state the purpose for which the money is applied, and the Treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Tax collector, powers and duties of, etc.

SEC. 34. The Tax Collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that Sheriffs have, and subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax lists as due for city taxes. He shall be credited in settlement, as Sheriffs are credited, with amounts in suit by appeal, all poll tax, and taxes on personal property which the Board of Aldermen shall declare to be insolvent and uncollectible. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days under a penalty of ten per cent per month to the city upon all sums so unlawfully retained. The Board of Aldermen at the meeting before the last regular meeting of each fiscal year shall appoint one or more of their number to be present and assist at the counting and settlement between the Tax Collector and City Treasurer, and to audit and settle the accounts of the City Clerk and Treasurer, and Chief of Police and other Policemen. The accounts so audited shall be reported to the Board of Aldermen and, when approved by them, shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any Tax Collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to re-election to said office.

Penalty for unlawful retention of funds by tax collector.

Settlement of tax collector, how and when made.

Removal of tax collector.

Police force, how appointed; term of office and official oath.

SEC. 35. That the Board of Aldermen shall have power to appoint such a police force as the good government of the city may require, who shall hold their offices during the term of the board appointing them, and until their successors are appointed. The members of the police [force] shall give bond in such sums as the Board of Aldermen may prescribe, for the faithful discharge of the duties imposed by law and the charter and ordinances of the city, and to faithfully account for all moneys that may come into their hands by virtue of their offices. The Chief of Police shall have the supervision and control of the Police force, and it shall be his

Chief of police; duties and powers.



duty to report to the Mayor any declination of duty on the part of any member of the Police force, and at the end of each month he shall have a settlement with each Policeman on account of the fines and costs collected by him. It shall be the duty of the Chief of Police to attend the Mayor's Court each day and report any violations of law or ordinances of the city, to collect all fines and penalties imposed and pay the same to the City Treasurer, and to execute the orders and judgments of said court; to see that the laws and ordinances of the city are enforced, and do such other things as may be required of him by the board. The Chief of Police and each member of the Police force shall have all the power and authority vested in Sheriffs and Constables for the preservation of the peace of the city, by suppressing disturbances and apprehending offenders; they shall execute all processes directed to them by the Mayor or others, and, in the execution thereof shall have the same powers which Sheriffs and Constables have. The members of the Police force shall take an oath before the Mayor for the faithful performance of the duties required by law and the ordinances. That said Policemen shall have power to take bail for appearance of defendants or other persons charged with violation of city ordinances, in the manner and to the extent that such power is vested in Sheriffs, and in case such person or persons shall not appear, the Mayor may issue a *sci. fi.* and enter judgment final against the defaulting party and his sureties. That the Chief of Police shall have the power to re-arrest upon the same warrant a defendant or party who has been convicted and turned loose, on the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape.

Jurisdiction of  
police.

SEC. 36. The Policemen shall receive and turn over to the City Clerk the fees arising from the execution of all precepts issued by the Mayor or others, which shall be the same as that of Sheriffs for like service. The Board of Aldermen shall pass ordinances for the government and direction of the Police, and fix their compensation. In times of exigency the Mayor may appoint temporarily additional Policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular Policemen.

Police force; fees:  
pay of; regulation  
of; extra police-  
men.

SEC. 37. The Mayor may at any time, upon charges preferred, or upon finding said Chief, or any member of said Police force, guilty of misconduct, have power to suspend such member from service, until the Board of Aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violations of the regulations or orders of any superior shall be good cause

Suspension and  
discharge of mem-  
bers of the police  
force.

for dismissal. And the Mayor shall suspend the Chief or any member of the Police force if found drunk while on duty.

Police badges, uniforms and general powers of.

SEC. 38. The Board of Aldermen shall require the entire Police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers. And the Police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence, and their property from loss or injury.

Penalty for breach of official bond of appointive officers; how recovered.

SEC. 39. That for any breach of his official bond by the City Clerk, Chief of Police, Tax Collector or any other officer who may be required to give an official bond, such officer shall be liable in an action on the same, in the name of the city, at the suit of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment, from time to time, until the whole penalty be recovered.

Delivery and keeping of prisoners.

SEC. 40. That the Sheriff or jailor of the county of Guilford is hereby required, without a mittimus, to receive into the jail of the county, as his prisoner, any person taken up in the night by the Police force, and to keep such person safely until the morning, when the offender shall be brought before the Mayor, or some Magistrate resident in the city and be lawfully dealt with; and for such services the jailor shall be entitled to such fees as he is in other cases: *Provided, however,* that the city may provide and use a prison or calaboose of its own.

Weighers and inspectors of provisions, etc.

SEC. 41. That the Board of Aldermen shall have power to appoint weighers, and inspectors of provisions and other products, auctioneers and such other officers as they deem proper for the good government and welfare of the city; to make all rules and regulations governing said officers, prescribe their fees or remuneration, and may require any of them to give bond as provided herein for other offices.

Detectives and rewards; by whom employed or offered.

SEC. 42. That the Board of Aldermen may employ detectives and offer rewards for the capture or conviction of criminals, in order to bring to justice offenders against the city ordinances, and also offenders against the laws of the State, when the offence is committed in the city limits.

#### CHAPTER VI.

##### *Taxes.*

Taxes; general subjects of taxation and maximum and minimum rates of.

SEC. 43. That in order to raise a fund for the expenses incident to the proper government of the city, the Board of Aldermen may annually levy and collect the following taxes, viz:

(1) On all real and personal property within the corporate limits, and on all personal property owned by residents of said city, including money on hand, solvent credits, and upon all other sub-

jects taxed by the General Assembly *ad valorem*, a tax not exceeding one dollar and thirty cents on every hundred dollars value.

(2) A poll tax not exceeding three dollars and ninety cents a poll, on the taxable polls of all persons who may be residents in the city on the first day of June of each year.

(3) Upon all dogs kept in the city, and which may be so kept on the first day of June, a tax not exceeding five dollars, and all dogs so taxed shall be subjects of larceny: *Provided, however*, that a discrimination within this limit may be made on the different species and sexes of dogs.

SEC. 44. That the City Clerk on the third Monday in May of each and every year make advertisement in some newspaper or at the door of the City Hall notifying all persons who own or have control of property liable to taxation by the city on the first of June to enter to him on or before the last day of June a list of their said taxable property; said lists shall state the number of lots or parts of lots, and all other property now taxable or that hereafter may be made taxable by the laws of the State, or the ordinances of the city, and the list so returned to the Clerk shall be sworn to before him in every case, and he is hereby authorized to administer the following oath:

"I, A. B., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me in said city, a full and accurate list of all personal property, of Guilford County lands, and a full and accurate list of all other stocks, bonds, solvent credits and other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: so help me God."

SEC. 45. From the returns so made, the City Clerk shall without fail before the first day of August next ensuing, make out and complete his tax book which shall contain an alphabetical list of all persons liable for taxation by the city with the age and color, and with assessed value of all real estate and the listed value of all personal property. The Clerk shall follow the assessments on file in the Register of Deeds office, but in case any property has not been assessed by the County Assessors, then the Clerk shall assess the property at its true value: *Provided, however*, that all assessments and all lists of personal property may be revised, corrected or amended by the Board of Aldermen, and the valuation of any property may be raised after giving five days' notice to the person liable for taxation or his agent to show cause why such change should not be made.

SEC. 46. That the Clerk shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax or for taxes on property

Tax returns: when made; notice for making; what to contain; oath of tax-payer.

Tax-books; how and by whom made; and when completed and what to contain.

Proviso, as to reversion of assessments.

List of persons failing to make returns, how made out.

who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all the property not listed and shall enter such persons in a separate part of his book, and shall charge them up with double taxes. No person shall be excused from paying said double tax, except on application to the Board of Aldermen and for causes shown.

Penalty for failure to list taxes.

SEC. 47. That all persons who are liable for a poll tax to the said city, and who shall wilfully fail to give themselves in, and all persons who own property and who wilfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof before the Mayor of said city, or any Justice of the Peace, shall be fined not more than twenty-five dollars, or imprisoned not more than ten days, and it shall be the duty of the Tax Collector of said city to prosecute offenders against this section.

Tax levy, how made and collections when to be completed, etc.

SEC. 48. That as soon as the Clerk shall have furnished the assessment roll as provided, and the same shall have been revised by the Board, the Board of Aldermen shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the City Tax Collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of October next ensuing, and shall pay the moneys as they are collected to the Treasurer; and the Collector, for his compensation, shall receive not exceeding three per cent on the amount collected.

Sales for taxes, notice of, etc.

SEC. 49. 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 Tax Collector shall proceed forthwith to collect the same by distress and sale together with all costs of sale, after public advertisement for the space of ten days in some newspaper published in the city, if the property to be sold be personalty, and of thirty days if the property be realty, and the said Collector shall make settlement in full with the City Treasurer on or before the first day of January of each year for the taxes as shown by the said lists, except such as may be allowed him by the Board as insolvents.

Sales of realty for taxes; when and how made and disposal of proceeds.

SEC. 50. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of October, and there is no other visible estate, except such lot of land, of the person in whose name it is listed liable to distress and sale known to the Collector, he shall report the fact to the Board of Aldermen, and thereupon he shall sell the same at the court-house door, or at the door of the City Hall, after advertising for thirty days in some newspaper published in the city. And the Collector may divide the said land into as many parts as may be convenient and for such purpose he is

authorized to employ a surveyor, and shall sell as many parts thereof as may be required to pay said taxes and all expenses and costs attendant thereon. If the same can not be conveniently divided, the Collector shall sell the whole. And if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed, as hereinafter provided, shall belong to said city in fee.

SEC. 51. If upon a sale of the land there shall be a surplus after paying said taxes and costs and expenses for advertising and selling same, it shall be paid into the City Treasury subject to the demand of the owner, without interest.

Surplus from tax sales, how disposed of.

SEC. 52. The owner of any land 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 for the land and twenty-five per cent on the amount of the taxes, costs and expenses, and the Treasurer shall refund to the owner, without interest, the proceeds of the sale, less double the amount of taxes.

Redemption of land sold for taxes, provisions for same

SEC. 53. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns by a deed signed by the Tax Collector, attested by the City Clerk and with the corporate seal attached; and the recitals in such conveyance shall be conclusive evidence that the Tax Collector has complied with all the requirements of this charter necessary to make the sale valid, and the deed shall be presumptive evidence that the taxes for which the property was sold were due and unpaid.

Relative to tax deeds, etc.

SEC. 54. That the real estate of infants or persons *non compos mentis* shall not be sold for tax; and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made as provided in The Code.

Real estate of certain classes of persons not to be sold for taxes.

SEC. 55. That in addition to the subjects listed for taxation the Aldermen may levy an annual license on the following subjects, the amount of which tax, when fixed, shall be collected by the collector of taxes, and if it be not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

Special or privilege taxes enumerated as follows:

(1) Upon all itinerant merchants or peddlers vending or offering to vend in the city a license tax not exceeding fifty dollars a year, except such only as sell books, charts, maps or wares of their own manufacture, but not excepting venders of medicine by whomsoever manufactured; and not more than one person shall peddle under a single license.

Peddlers, etc.

(2) Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, or table, stand or place for any other game or play with or without a name, kept

Billiard tables, etc.

for hire, or kept in a house where liquor is sold, or a house used or connected with a hotel or restaurant, a license tax not exceeding one hundred dollars a year.

Liquor license.

(3) Upon every permission by the Board of Aldermen to retail spirituous, vinous, malt or intoxicating liquors of any kind, a license tax of one thousand dollars, and upon wholesale dealers in spirituous, vinous or malt liquors a license tax not less than two hundred dollars and not more than five hundred dollars.

Hotels and boarding-houses.

(4) Upon every hotel a license tax not exceeding one hundred dollars; upon every boarding-house with more than ten boarders, and every restaurant and eating house, a license tax not exceeding fifty dollars, and the Board of Aldermen may levy the license taxes provided for in this subsection according to the size, patronage or income of the hotels, boarding-houses, restaurants and eating-houses.

Circuses, side-shows, etc.

(5) Upon every circus, company of circus riders or performers by whatever name called, who shall exhibit within the city, or in one mile thereof, a license tax not exceeding seventy-five dollars for each performance or separate exhibition, and upon every side-show connected therewith a license tax not exceeding ten dollars, the tax to be paid before exhibition, and, if not, to be doubled.

Theatrical troupes, etc.

(6) Upon every company or person exhibiting in the city, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing or menageries a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting, the tax to be paid before exhibiting, or the same shall be doubled.

Exhibits of curios, etc.

(7) Upon every exhibition for reward of artificial curiosities (models of useful inventions excepted) in the city, or within one mile thereof, a tax not to exceed twenty dollars, to be paid before exhibition, or the same shall be doubled.

Shows, exhibitions, and concerts.

(8) Upon each show, or exhibition of any other kind and on each concert for reward (unless for religious or beneficial purposes) in the city, or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition, or the same shall be doubled: *Provided, however,* that plays, shows or other amusements given in a regularly licensed hall or opera house shall not be taxed.

Dogs.

(9) Upon every dog which may be brought into the city after the first of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such dog in the city, which permission shall not extend further than the last day of May next ensuing.

Auctioneers.  
Proviso.

(10) Upon every auctioneer or crier of goods at public auction, a license tax not exceeding fifty dollars a year: *Provided,* that this section shall not conflict with the provisions of twenty-two hundred and eighty-four of The Code.

- (11) Upon every stock and bond broker, sewing machine company or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales stables, livery stables or stockyards doing business in the city, a license tax not exceeding twenty-five dollars a year. Stock and bond brokers, sewing machine agents, etc.
- (12) Upon every person engaged in the business of posting, distributing or tacking up bills, posters, signs or advertisements of any kind, a license tax not exceeding fifty dollars. Bill posters, etc.
- (13) Upon every building and loan association, oil agency, or shooting gallery, a license tax not exceeding twenty dollars. Building and loan associations, etc.
- (14) Upon every street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal or either, insurance agent or agency, and every skating rink, a license tax not exceeding ten dollars a year. Street hucksters, photographers, ice dealers, etc.
- (15) That every telegraph, telephone or electric light company, power company, street railway company, water-works company, furnishing water to the city or citizens, every railroad company having a depot or office in the city, shall pay a license tax not exceeding one hundred dollars per annum. Telegraph, telephone or electric light companies and other corporations of a public nature.
- (16) That each marble yard, undertaker, plumber or person putting gas or water fixtures in houses or yards, a license tax not exceeding ten dollars. Marble yards, undertakers, etc.
- (17) Each barber shop, rope walker, itinerant dealer in lighting rods and stoves, every dealer in fertilizer, practicing physician, dentist or surgeon, optician, oculist, civil engineer, aurist, chiropodist, or any person engaged in the sale of any specifics, carriage, buggy or wagon agent, or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory, tobacco factory, or tobacco warehouse, each dancing school, every agent for the sale of machinery, engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons selling jewelry or any other article having a prize given therewith, each printing office, each dealer in patent rights, and every lawyer or firm, a license tax of ten dollars. Barber shops, rope walkers, etc.
- (18) Upon each distillery of fruit or grain, and each distiller or compounder of spirituous liquors, and upon every beer bottling establishment, and every opera house or hall used for theatrical, musical or other entertainment of like kind, a license tax not exceeding one hundred dollars. Distillers, beer-bottling establishments and opera houses.
- (19) Upon every bank or banker, each junk shop or dealer in metals, cordage, etc., every mill, manufactory, machine shop or foundry, a license tax not exceeding fifty dollars a year. Banks, junk shops, mills, etc.
- (20) Upon all commission merchants and commercial brokers, a license tax not exceeding ten dollars a year. Commission merchants and commercial brokers.

Omnibuses and other vehicles for hire.

(21) Upon every omnibus, hack, cab, carriage, dray, baggage wagon, used to transport persons, baggage, freight or other articles for hire, a license tax not exceeding twenty dollars.

Other trades and professions.

(22) The Board of Aldermen shall have power to levy an annual license tax on any business, profession, trade or avocation of any kind carried on in the city of Greensboro not before enumerated herein, not to exceed fifty dollars.

License year specified.

(23) That the license year shall begin on the first day of June of each and every year, and when a license is taken out after the first day of June the tax shall be proportioned according to the unexpired term of the year.

Graduation of license taxes.

(24) That the Board of Aldermen shall have the power to graduate any of the license taxes permitted in this charter by dividing the business into classes according to size, patronage or income: *Provided*, the said taxes must be uniform for all in a class.

Penalty for carrying on licensed trade or profession without paying license.

(25) Any person carrying on or practicing any business, profession, trade or avocation of any kind upon which a license tax has been levied, without having first obtained a license therefor, shall be guilty of a misdemeanor, and shall upon conviction be fined thirty dollars or imprisoned for thirty days.

#### CHAPTER VII.

##### *Streets, Squares and Parks.*

Powers to open, extend and improve streets, parks and squares.

SEC. 56. That the Board of Aldermen shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change and open new streets, and widen or change those already open, and make such improvements thereon as they may deem best for the public good; also to lay out, regulate and establish parks and squares within or without the city limits for the use of the city, to regulate and protect public grounds, and protect shade trees of the city.

Obstructions to streets and regulations regarding use of streets and parks and other public places.

SEC. 57. That the Board of Aldermen shall have power to prohibit cellars or entrances to cellars under the sidewalks, or any obstructions upon said streets, and may adopt such ordinances for the regulation and use of the streets, squares, parks and other public property belonging to the city as it may deem best for the public welfare.

Superintendent of streets.

SEC. 58. That the Board of Aldermen may appoint a Superintendent of Streets to have charge of the streets of the city under the supervision of the Board of Aldermen or Street Committee as it may deem best; and may appoint such other officers to care for and improve the streets, squares and parks as it may think proper.

SEC. 59. That every owner of a lot on a street, if so ordered by the Board of Aldermen, shall improve, curb, pave or repair in



such manner as the Board of Aldermen may direct, such sidewalk as far as it may extend along such lot; and shall also, if so directed by the Board of Aldermen, macadamize, pave or otherwise improve the gutters adjoining the said sidewalk and one-fourth of the street adjoining, with such materials and in such a manner as may be required by the Board of Aldermen, and all work done under this section shall be done under the strict supervision of the Superintendent of Streets or of the Street Committee; and on the failure to do as directed within twenty days after the notice by the Superintendent of Streets or the Chief of Police to said owner, or if he be a non-resident of the county of Guilford, to his agent, or if such non-resident have no agent in said county known to the Board, or if personal notice can not be served upon the owner or agent, then after publication of a notice by the Superintendent of Streets or the Chief of Police for ten days in some newspaper published in Greensboro, calling on the owner to make such repairs, the Board of Aldermen or the Superintendent of Streets may cause the same to be repaired or improved as directed by the Board, and the expenses shall be paid by the person in default; said expense shall be a lien upon said lot, and if not paid within two months after completion of the work such lot may be sold, or enough of the same, to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemptions and savings as are prescribed in said charter for the sale of land for unpaid taxes: *Provided, however*, that the Board of Aldermen, in order to secure uniformity in the work done, may, after giving ten days' notice in the manner herein prescribed to the owner, have all the work provided for herein done by the city forces or by contract and charge the actual cost of such work to the abutting property and the said charges shall be a lien as herein provided and collectible as provided above; *Provided further*, that if the property owner should so elect and give notice of the fact in writing to the Board within the two months hereinbefore prescribed, he shall have the privilege and option of paying the said assessment in five equal annual installments, each installment to bear interest at the rate of six per cent per annum from the date on which said work is done up to the time when the same shall be due and collectible, which said date shall be the date on which taxes are due and collectible and in the case of the failure or neglect of any property owner to pay said installment when the same shall be due and collectible, then, and in that event the said amount of said installment shall be a lien upon said property as hereinbefore provided and collectible as provided above; *Provided further*, that whenever the city has had any of said work done it shall give the owner of the said abutting property ten days' notice of the amount charged against

Certain street improvements to be made by land owners.

After notice, city to make improvements and cost of same to be a lien on the lands adjoining.

Proviso, as to city making all street improvements and assessing adjoining property owners.

Proviso as to paying assessments in installments.

Proviso as to appeal from assessment by aldermen.

his said property, and if the said owner is dissatisfied with the amount of the said charge he may give notice to the Board of Aldermen within the ten days aforesaid that he takes an appeal to the next term of the Superior Court of Guilford County, and shall within five days thereafter serve a statement of facts upon which he bases his appeal. The said appeal shall at the said term of court be tried as other actions at law; and the said owner may in like time and manner appeal from any order or act of the Board of Aldermen made or done under this section, but said appeal shall not delay or stop the said improvements.

Board empowered to adopt necessary ordinances to enforce payment of assessments for street improvements.

Rights of eminent domain.

SEC. 60. In addition to the above provisions, the Board of Aldermen may adopt ordinances imposing penalties on persons failing or refusing to make the improvements and repairs mentioned in the preceding paragraph, after being directed so to do by the Board of Aldermen.

SEC. 61. That when any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already open, or other objects allowed by this charter, and for want of agreement as to the compensation therefor, and the same can not be purchased from the owner or owners at what the Board considers a reasonable price, the same may be condemned and taken by the Board of Aldermen at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the Board of Aldermen and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third; and in making said valuation said freeholders, after giving the owner or owners or their agent notice, or after giving ten days' notice in a newspaper published in the city, in case such owner can not be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the Board of Aldermen, under their hands and seals, which report, on being confirmed by the Board and spread upon their minutes, shall have the effect of a judgment against the city of Greensboro, and shall pass the title to the city of Greensboro, of the land so taken, and the land may at once be taken and used by the city for the purpose intended: *Provided*, that if any person whose land is taken under this paragraph, or if the Board of Aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court: *Provided*, however, that such appeal shall not hinder or delay the Board of

Aldermen in opening, widening or changing such street or making such improvement.

SEC. 62. The Board of Aldermen may grant franchises to street railway companies, electric companies, telephone companies or companies of other kinds to use the streets of the city to lay pipes, tracks, wires and to set poles and to run cars and for other purposes and may charge for such franchises and privileges in addition to the annual license taxes such amount as it may think just, to be turned over to the general fund of the city.

Relative to franchises to street railway and other companies.

#### CHAPTER VIII.

##### *Health, Sanitation and Sewerage.*

SEC. 63. That the said Board of Aldermen shall have power to construct a system of sewerage for the city and protect and regulate the same by adequate ordinances, and if it shall be necessary in obtaining a proper outlet to the said system to extend the same beyond the corporate limits to condemn a right-of-way to and for such outlet, and the proceedings for the condemnation shall be as herein provided for opening new streets and other purposes.

Power to construct sewerage system and to protect and regulate the same.

SEC. 64. That the Board of Aldermen may require all persons on a line of sewer to connect their premises with the said sewer with proper fittings and plumbing.

Persons on sewer line to connect premises with sewer.

SEC. 65. That the Board of Aldermen may charge and collect a sewer rental in such a reasonable amount and collectible at such periods as it may prescribe for the use of said sewer, said rental to be based on the number of sinks, closets, etc., connected with the sewer, and in case the rental is not paid when due, it shall become a lien on the property with which connections are made and may be collected in the same way as unpaid taxes and with the same costs and penalties.

Relative to sewer rental.

SEC. 66. That the Board of Aldermen may provide carts to remove night-soil from the city, and may have said carts visit all houses not connected with the sewer at such periods as it may prescribe, and it may collect from the owner or lessee of every house in the city used as a residence and every factory or other place not connected with the sewer system a sum not exceeding three dollars per annum, which said charge may be made due and collectible at such time as the Board may prescribe, and shall be a lien on the property where said house is situated, and if not paid when due shall be collected as provided for the collection of unpaid taxes with the same costs and penalties.

Relative to removal of night-soil and charges for same.

SEC. 67. That the Board of Aldermen may also provide wagons or carts for the removal of garbage, slops and trash from the city and may require said wagons or carts to visit every house in the city used as a residence, and every store at stated intervals, and may require the owner or occupants of said houses to have the garbage, slops and trash ready in a convenient place and recep-

Removal of garbage, etc.

tacle so that it may be easily removed, and may charge therefor a certain fee not exceeding ten dollars per annum on each house; said fee to be a lien on the property, and to be collected as provided in the preceding section.

Graduation of charges.

SEC. 68. That the charges permitted in the two preceding sections may be graduated by the Board of Aldermen according to the size or use of the houses.

Unwholesome trades.

SEC. 69. That the Board of Aldermen shall have power to pass ordinances for the prevention or restriction of unwholesome or dangerous occupations or manufactories, for the removal or abatement of all nuisances, and for the promotion of the public health.

Abatement or removal of things prejudicial to health.

SEC. 70. That the Board of Aldermen or the Chief of Police, the City Superintendent of Health or other officer or officers who may be designated for this purpose by the Board, shall have power summarily to remove, abate or remedy, or cause to be removed, abated or remedied everything in the city limits or within a mile of the said limits which is dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Board of health, election of; term of office, powers and duties; hospitals and pest-houses and quarantine powers.

SEC. 71. That the Board of Aldermen may elect a Board of Health for such terms of office and with such officers, powers, duties and remuneration as it may prescribe; may establish and maintain a hospital or hospitals or pest-houses in the city or within three miles thereof; may stop, detain, examine or keep in a pest-house or house of detention persons having or suspected of having any infectious or contagious disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liability to the owner, remove, fumigate or destroy furniture, bedding, clothing or other property which may be suspected of being tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and all expenses incurred by the city in disinfecting or caring for any persons by authority of this section may be recovered by it from the person cared for.

Penalty for interference with health officer.

SEC. 72. That any person who shall attempt by force or by threat of violence to prevent his removal or that of any other person to the pest-house, house of detention or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this chapter, shall be guilty of a misdemeanor.

#### CHAPTER IX.

##### *Fire and Fire Department.*

Fire department, organization of, etc.

SEC. 73. That the Board of Aldermen shall have power to provide for the organization, equipment, maintenance and government of fire companies and a fire department.

SEC. 74. That the Board may establish and maintain fire limits in the city, in which it shall be unlawful to erect wooden buildings or additions thereto; it may also prohibit the removal of wooden buildings of any kind into said limits or from one place to another within the limits. It may also prohibit or restrict the explosion of fire-works, dynamite or explosives of any kind and govern the sale thereof in the city, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Fire limits and regulations for prevention or extinguishing of fires.

SEC. 75. The Board may make rules and regulations governing the erection and construction of buildings in the city so as to make them as safe as possible from fire; and in case of fire the Mayor, or in his absence a majority of the Aldermen, may order the blowing-up, tearing down or destruction in any other way that may seem best of any building when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

Rules for construction of buildings and power to tear down or blow up buildings to check fires.

#### CHAPTER X.

##### *Water and Lights.*

SEC. 76. That the city may own and maintain its own light and water-works systems to furnish water for fire and other purposes, and lights to the city and its citizens, but shall in no case be liable for damages for a failure to furnish a sufficient supply of either water or light.

Power to own light and water-works systems.

SEC. 77. That the Board of Aldermen shall have power to acquire and hold rights of way, water rights and other property within and without the city limits, and shall have power to condemn and take rights of way, easements, water rights and other property for the purpose of getting a pure and adequate water supply and of furnishing lights for the city and its citizens. That the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Relative to rights of way, water rights, etc., and condemnation of lands for.

SEC. 78. That for the proper management of said system a commission to be known as "The Water and Light Commission" is hereby established, which said commission shall consist of three members to be elected by the Board of Aldermen for terms of three years each, except that at the first election under this section the terms shall be for one, two and three years, and in case of any vacancy otherwise than by expiration of the term, the Board shall elect some person to fill out the unexpired term; and the said commission shall organize by electing one of its members as chairman, whose term as chairman shall be one year.

The water and light commission.

SEC. 79. That the said commission shall have entire supervision and control of the maintenance, improvement and management of the said systems, and shall fix such uniform rates for water and lights as they think best: *Provided*, that any person

Maintenance, improvement and management of water-works and light systems and fixing of rates.

may appeal from its decision as to rates to the Board of Aldermen, and the decision of the Board shall be final.

Relative to funds of water and light commission and annual report of said commission.

SEC. 80. The said commission shall keep its funds in the hands of the City Treasurer, but in an account separate from the other city funds; that the said fund shall be paid out only on the order of the said commission, and at the end of each quarter the said commission shall report to the Board of Aldermen its receipts and an itemized schedule of its disbursements and the net gain for the period, and shall recommend to the Board such an amount as may be safely turned over to the general fund of the city. After hearing said report and recommendation the Board of Aldermen shall decide what sum shall be turned over to the general fund.

Election of officers, etc., and remuneration and bonds of.

SEC. 81. The said commission shall elect all officers, agents and employees necessary to the conduct of said system, and fix their remuneration; but the Board of Aldermen shall decide which of said officers, agents and employees shall give bond, and the amount thereof.

Relative to remuneration of members of water and light commission.

SEC. 82. The Board of Aldermen may, if it sees fit, allow a remuneration to the members of the commission, but such remuneration shall last only until a new Board is elected and qualified.

#### CHAPTER XI.

##### *City Hall, Market and Opera House.*

City hall.

The Board of Aldermen shall have entire supervision and control of the City Hall building.

City opera house.

SEC. 83. The Board of Aldermen may conduct an opera house or may lease the same upon such terms as it may deem best, and may exempt from city license taxes theatres and other shows using the City Opera House and paying rent therefor.

City market.

SEC. 85. The Board of Aldermen shall have power to establish, maintain and regulate a market or markets, may prescribe the time, manner and place of sale of fresh meats, fish and other marketable products; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper, inspector or other officers of the market; may designate an officer to inspect fish, meats and other products, and said officer shall have power and it shall be his duty to summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale.

Unlawful to offer unsound articles for food; penalty.

SEC. 86. It is hereby declared a misdemeanor for any person to knowingly offer for sale in the city any unsound articles for food.

#### CHAPTER XII.

##### *Cemeteries.*

SEC. 87. The Board of Aldermen may establish, maintain and regulate one or more cemeteries within or without the city limits;

may appoint a keeper and such other officers and employees as may be needed, and may prohibit the interment of dead bodies within the city limits.

Establishment of cemeteries, appointment of officers, etc.

SEC. 88. That the Board of Aldermen may sell plats in the said cemetery upon such terms as it may deem best, and no purchaser of a plat shall sell or transfer his plat to another person without the consent of the Board.

Sale of plats.

SEC. 89. The proceeds from the sale of lots and other income from the cemetery or cemeteries shall be paid over to the City Treasurer, and shall be used for the beautifying and improvement of the cemetery or cemeteries, and for no other purpose.

Revenue from cemeteries, how disposed of.

The Board of Aldermen may appoint a commission of three members to be known as the "Board of Cemetery Trustees" to have entire charge of the cemetery or cemeteries, with full power to employ a keeper and other persons to care for and improve the said cemetery. The term of office of said trustees shall be three years, except at the first election one shall be elected for one year, one for two years and one for three years. The Board of Aldermen shall, if it decides to elect said commission, make an annual appropriation for the support of the said cemetery or cemeteries, which appropriation shall be at the disposal of the said trustees. The said trustees shall serve without remuneration.

Board of cemetery trustees, appointment of; powers and duties.

#### CHAPTER XIII.

##### *Education.*

SEC. 90. That the public schools of Greensboro shall be in charge of a Board of Education to consist of six members.

Board of Education to have control of public schools.

SEC. 91. The Board of Aldermen shall at the first regular meeting in May of each year elect two members of said Board of Education for a term of three years. The members so elected shall enter upon their duties immediately after their election and shall so continue until their successors are elected and qualified. Vacancies by death, resignation or otherwise shall be filled by the Board of Aldermen for the unexpired term. The Board of Aldermen shall have the power to remove any member of the Board of Education for proved incapacity or unfitness.

Election of members of board; term of office; vacancies, how filled, removals.

SEC. 92. That in May of each year the Board of Education shall organize by electing one of their number as president and one as secretary, who shall perform the duties usually appertaining to the said offices.

Organization of board; officers.

SEC. 93. That said Board of Education shall yearly elect a superintendent and teachers for the public schools, and shall adopt all such rules and regulations as may be necessary for the successful conduct of said schools, and shall have general oversight and management of the public schools of the city.

Election of superintendent and teachers.

SEC. 94. That it shall be the duty of the Board of Education on the third Friday of May in each year to prepare and file with

Annual report of board.



the clerk of the Board of Aldermen an estimate of the amount of money which will be required for the maintenance of the public schools for the succeeding scholastic year.

Board of Aldermen to provide for maintenance of public schools.

SEC. 95. That it shall be the duty of the Board of Aldermen, in raising taxes for the current year, to make suitable provisions for the maintenance of the public schools.

#### CHAPTER XIV.

##### *Miscellaneous.*

Unlawful for mayor or aldermen to become contractors for city work; penalty.

SEC. 96. That no Mayor, Alderman or any other officer of the city shall directly or indirectly become a contractor for work to be done for the city, and any person herein offending shall be guilty of misdemeanor.

Running at large of live stock, fast riding or driving; speed of trains, etc.

SEC. 97. That the Board of Aldermen may prohibit the running at large in the city of dogs, horses, cattle and other brutes; may regulate the speed at which horses or other animals may be ridden or driven through the streets, and the speed at which engines, cars and trains shall run within the city limits; may prohibit railroads from stopping their engines or cars on the streets of the city and may require said railroads to keep the street crossings in good repair, under the supervision of the Superintendent of Streets or the Street Committee.

Sunday observance and public libraries.

SEC. 98. That the Board of Aldermen shall have power to pass ordinances for the due observance of Sunday; and may maintain one or more public libraries.

Unlawful for County Commissioners to grant liquor license without permission from Board of Aldermen; license so granted, void.

SEC. 99. That it shall not be lawful for the Commissioners of Guilford County to grant any license to retail spirituous liquors within the limits of the city without permission first obtained from the Board of Aldermen in being at the time of the application to the County Commissioners, and if any license shall be granted without permission in writing, attested by the City Clerk, and exhibited to the County Commissioners, and filed with the clerk of the Board of County Commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment, as in other cases of retailing without license.

Relative to bond issues.

SEC. 100. That among the powers hereby conferred on the Board of Aldermen, they may issue bonds only after they have passed an ordinance by a three-fourths vote of the entire Board, at two separate regular meetings, submitting the question of issuing the bonds to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof; thirty days' notice shall be given of such election in some newspaper published in Greensboro, at which election those who favor creating the debt shall vote "Approved," and those who oppose it shall vote "Not Approved." The Board may order a new registration of voters at any and all such elections if they deem it proper to do so.



SEC. 101. That all penalties imposed by law, relating to the city, or by this act, or by any ordinance of the city unless otherwise provided, shall be recoverable in the name of the city of Greensboro, before the Mayor, or any tribunal having jurisdiction thereof.

Penalties, how recoverable.

SEC. 102. That the Aldermen shall not have power to impose for any offense a larger penalty than fifty dollars, unless the same be expressly authorized, and from any judgment of the Mayor for any penalty which is imposed, or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a Justice of the Peace.

SEC. 103. That the Mayor shall receive and turn over to the City Treasurer the following fees in cases herein enumerated, whereof he may have jurisdiction as Mayor: For every warrant issued by him for the recovery of any penalty, or for other cause of action, twenty-five cents; for every judgment rendered thereon one dollar, to be taxed among the costs; for every warrant issued by him to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed on submission or conviction of the offender among the other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offender by such as may convey him away; for the use of the city seal for other than city purposes, one dollar; for every certificate for other than for city purposes, fifty cents.

Mayor's fees.

SEC. 104. That the Board of Aldermen shall have power by a vote of two-thirds of the Aldermen present to sell any real property belonging to the city, and, when so authorized, a deed for the said real estate may be executed by the Mayor and attested by the City Clerk, with the corporate seal of the city attached: *Provided, however,* that this section shall not apply to plats in the cemetery, except as to the manner of the execution of the deed.

Sale of city property, how authorized, and deeds, how made.

Proviso.

SEC. 105. That in all cases where judgment may be entered up against any person or persons, for fines or penalties according to the laws and ordinances of the city of Greensboro, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the Mayor before whom said judgment is entered to order and require such persons so convicted to work on the streets or other public works until at fair rates of wages such person or persons shall have worked out the full amount of the judgment and costs of the prosecution.

Delinquents for costs in mayor's court to work out same on streets.

SEC. 106. That no levy shall be made on any property belonging to the city nor shall any levy be made upon the property of

City property non-taxable, city debts, how paid.

any individual for any debt due by the city, but all such debts shall be paid only by taxation upon subjects properly taxable by such corporation.

Penalty for failure of officer to turn over to successor property, money, etc., of city.

SEC. 107. That any officer of the city of Greensboro who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals or effects of such city, shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Tax lists subject to control of authorities and open to inspection by public, etc.

SEC. 108. All tax lists which have or may hereafter be placed in the hands of the Tax Collector shall be at all times subject to the control of the authorities imposing the tax and subject to be corrected or altered by them and shall be open for inspection by the public, and upon demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction, and any tax collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor.

Relative to service of process by policemen.

SEC. 109. That it shall be lawful for the Policemen to serve all civil process that may be directed to them by any court under the same regulations and penalties as are or may be prescribed by law in the case of constables.

Relative to the employment of prisoners by city.

SEC. 110. That it shall be lawful for the corporate authorities of said city, in their discretion, to contract in writing with the Board of County Commissioners for the employment of such prisoners as may be confined in the county jail, by order of the court, on the streets.

Proceedings before mayor not removable to another court, but parties may appeal.

SEC. 111. That no person shall have the right in any proceeding before the Mayor to remove the same to any other court for trial, as is prescribed for removal of causes from one Justice of the Peace to another, as provided in nine hundred and seven of The Code, but in all cases parties shall have the right of appeal as herein provided.

Person violating city ordinance guilty of misdemeanor.

SEC. 112. That any person or persons violating any ordinance of the city shall be deemed guilty of a misdemeanor.

Chapter 162, Public Laws of 1887, to remain in full force and effect.

SEC. 113. That chapter 162 of the Public Laws of 1887, entitled "An act to prohibit the sale of spirituous, malt and vinous liquors in South Greensboro, Guilford County," shall not be affected by anything in the charter of the said city of Greensboro, but shall remain in full force and effect until modified or repealed by the General Assembly.

Conflicting laws repealed.

SEC. 114. That from and after the ratification of this act the same shall thenceforth be the charter of the city of Greensboro, and all laws now constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, except acts relating to the issue of

bonds, and all laws of a public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect this city: *Provided, however,* that such repeal shall not annul any ordinances, by-laws or rules of the corporation, unless the same be inconsistent with this act. Nor shall such repeal affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the corporation by its present name, from any corporation or person whatever, be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed, in the name and for the use of the corporation by the name of the city of Greensboro.

SEC. 115. That no offense committed and no penalties or forfeitures incurred under any of the acts or ordinances hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provision of the act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided*, that no suit or prosecution pending at the time of repeal for any offense committed, or for any penalty or forfeitures incurred under any of the acts or ordinances hereby repealed, shall be affected by such repeal: *Provided further*, that no law heretofore repealed shall be revived by the repeal of any act repealing such law: *And provided lastly*, that all persons who, at the time when the said repeal shall take effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by this act.

Relative to offences committed and penalties or forfeitures incurred prior to the passage of this act.

Proviso as to suits or prosecutions pending at time of repeal.

Proviso as to revival of repealed laws.  
Proviso as to persons holding office at time of passage of act.

SEC. 116. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 334.

#### AN ACT TO INCORPORATE THE SANTEE TLA RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That E. I. Leighton, George Reeves, Frederick Bruch, W. R. Hopkins, B. P. Bole, John Matthews, M. E. Cozad, G. B. Walker and John H. Dillard, their associates, successors and

Names of incorporators.

Corporate name.	assigns, be and they are hereby made and declared a body politic and corporate by the name and style of the Santeetla
Purpose of corporation and route of road.	Railroad Company for the purpose of locating, equipping, maintaining and operating a railway from <u>Murphy</u> , in <u>Cherokee</u> County, up <u>Hanging Dog Creek</u> , and down <u>Snowbird Creek</u> to the <u>Cheoah River</u> , in <u>Graham County</u> ; thence via <u>Robbinsville</u> , in said county, through the gap at the head of <u>Tallulah Creek</u> to a point on the line of the <u>Southern Railway</u> , in <u>Swain County</u> , near <u>Nantahalal Station</u> , and from where said road strikes the <u>Cheoah River</u> , down said stream and the <u>Little Tennessee River</u> to the <u>State line</u> , and up the <u>Little Tennessee River</u> to <u>Bushnell</u> , in <u>Swain County</u> .
Right to cross, intersect, etc., other roads.	SEC. 2. Said company may build its road by such route as it may deem most advantageous and expedient, and it shall have the right to cross at grade or over or under, and to intersect, join or unite its road with any other railroad now built or constructed or to be hereafter built or constructed within this State at any point in its route, upon the grounds of such railway or railroad company, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction.
Corporate existence and powers.	SEC. 3. The said The Santeetla Railroad Company shall have perpetual succession and a common seal, which it may renew or alter at pleasure, and is hereby invested as a corporation with all the rights, powers and privileges conferred by chapter 49, volume 1 of The Code of North Carolina.
Subscriptions to stock.	SEC. 4. It shall be lawful for said company to acquire subscriptions to its capital stock by way of donations, bonds, money, lands, or other damages, labor, work, materials or other means available for their purpose and to receive subscriptions from individuals, other companies, associations or corporations, and the said company may sell, lease or otherwise dispose of any lands or other properties acquired under this section.
Right to sell or lease to, or buy or lease other roads.	SEC. 5. It shall be lawful for any transportation company chartered by the laws of this or other States, or any town or county, to aid in the construction of said railroad, and for that purpose may subscribe to the capital stock of said company or may acquire the lands of said company, and it may run, use and operate by lease or otherwise any railroad or transportation line upon such terms as may be agreed upon with the company or companies owning the same, or it may lease its property to be operated by other company or companies, and such company or companies with which it may make such contract are hereby empowered in like manner to carry out the same.
Capital stock, amount of; par value of shares of, how voted; increase of, how made.	SEC. 6. The capital stock of said company shall be \$100,000.00, to be divided into shares of the par value of one hundred dollars each. In all meetings of stockholders each share shall be entitled

to one vote. Said company may with the concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount necessary for constructing and operating its railroad, such increase to be made at a regular meeting or a meeting called for that purpose, at such place and upon such notice as may be necessary and proper, in order that two-thirds in value of all the stock may be represented at such meeting.

SEC. 7. Said company shall have power to borrow money to such an amount as it may deem proper and necessary, and to issue for any loan, debentures or bonds of the company bearing interest at such rate as the company may determine, and to secure the payment of such loan or loans said company may execute one or more mortgages or deeds of trust on the whole or any part of its property, real, personal and mixed, its charter rights and income.

Power to issue bonds for loans and to mortgage property.

SEC. 8. The corporation herein mentioned shall have the power and authority of a president and board of directors for the purpose of the organization of said company and for all other purposes until a president and board of directors shall be selected at a stockholders' meeting, and said meeting shall be held after such notice as the said corporation may deem proper; whenever \$50,000.00 of the capital stock of the said corporation shall have been subscribed, the said corporators may elect one of their number chairman, who shall have the power and authority of president of said company, and in all matters a majority of said corporators shall control.

Corporation, how controlled before organization; when and how organized.

SEC. 9. Said company shall begin work under this act within two years from its ratification, otherwise this act shall be null and void.

Limit of time for commencement of work.

SEC. 10. This act shall be in force from its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 335.

AN ACT TO INCORPORATE GREENVILLE LODGE, NUMBER TWO HUNDRED AND EIGHTY-FOUR (284), ANCIENT, FREE AND ACCEPTED MASONS, IN THE TOWN OF GREENVILLE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the master, wardens and members who at present are or in future may be of Greenville Lodge, number two hundred and eighty-four (284) of Ancient, Free and Ac-

Incorporators specified.

Corporate name, existence and powers.

cepted Masons, located in the town of Greenville, in the county of Pitt, are hereby constituted and declared to be a body corporate under the name and title of "Green[ville] Lodge, number two hundred and eighty-four (284), Ancient, Free and Accepted Masons," and by such name shall have perpetual succession, and may have a common seal; may sue and be sued, plead and be impleaded, acquire, hold, mortgage and transfer property for the benefit of said lodge or its members, and pass all such necessary by-laws and regulations as shall not be inconsistent with the Constitution and laws of this State or the Constitution of the United States.

Bonds of corporation, power to issue; maximum amount of; rate of interest; maturity; how signed and sealed; how secured.

SEC. 2. That for the purpose of erecting in the town of Greenville a lodge building, the said lodge is hereby authorized and empowered to issue bonds in such sums as it may deem necessary, not to exceed the sum of fifteen thousand dollars said bonds to bear interest not to exceed six per centum per annum and to be payable at any time within thirty years from the date of issue as the said lodge may determine, and the said bonds when signed by worshipful master, secretary and finance committee of said lodge and under its seal shall be a valid indebtedness against said lodge, and to secure such indebtedness the said lodge may mortgage or otherwise create a lien upon its property.

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

In the General Assembly read three times, and ratified this the IIth day of March, A. D. 1901.

CHAPTER 336.

AN ACT TO AMEND THE CHARTER OF THE MOUNT AIRY AND EASTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Charter amended as follows.

SECTION 1. That the charter of the Mount Airy and Eastern Railway Company, heretofore obtained under the provisions of chapter 49 of The Code of North Carolina, be amended as follows:

Increase of capital stock.

SEC. 2. That the capital stock of the company may be increased to one hundred thousand dollars.

Rights of eminent domain.

SEC. 3. That the company shall have the power and authority to appropriate as much land as may be necessary for the construction of the said railway of the width of fifty feet on each side of the track and as much land additional as may be necessary for station houses, depots, and all other purposes necessary

and convenient for the construction, maintenance and operation of said railway under the same rights and terms as are prescribed for the acquisition and condemnation of land in chapter 49 of volume 1 of The Code.

SEC. 4. That said company in laying out, locating and constructing its right of way and road-bed thereon may follow and use any public road or other public highway on its route without charge, let or hindrance from any one: *Provided*, they or it shall make or construct a passage way or roadway for the passage, use and benefit of vehicles and other public travel equally good and convenient. That said company may take additional lands for the construction of such road or highway as may be necessary, and unless the lands so taken shall be purchased for the purposes aforesaid, compensation therefor shall be ascertained in the manner prescribed in chapter 49, volume 1 of The Code: *Provided*, that said railroad company shall be a common carrier of freight and passengers, and shall assume all the burdens and liabilities of such, reporting to the Corporation Commission and doing any and all things as required by law generally of railroads in this State acting as common carriers of freight and passengers.

Condemnation of lands and assessment of damages.

SEC. 5. That any railroad, transportation or other company incorporated in this or any other State may subscribe to and purchase and own the stocks or bonds, or both, of this company and may guarantee or endorse the same, or may purchase, lease or use the road, property and franchise of this company for so long a time and on such terms as shall be mutually agreed upon between the two corporations. That the company may subscribe to or purchase and own the stocks or bonds, or both, of any other railroad or other company incorporated in this or any other State, and may guarantee or endorse such stocks or bonds, and may purchase, lease or use the road, property or franchise of such company upon such terms and for such time as may be agreed upon between the two companies.

Relative to subscriptions to stock, etc.; sale, use or lease of road to other roads; purchase, use or lease of other roads.

SEC. 6. That this company is authorized and empowered to borrow money for the purposes of the company to such an extent and at such lawful rate of interest as a majority of the Board of Directors may determine upon, and issue therefor its bonds in such manner and form as may be determined upon by the directors, and to secure the said bonds by deed of trust or mortgage upon the whole or any part or portion of the said road, property and franchise of the company as the directors may determine. And the directors are hereby authorized to sell said bonds when and where and for such price as they may determine most advantageous for the company.

Issuance of bonds and mortgage of property.

SEC. 7. That this company is authorized and empowered to

Consolidation  
with other com-  
panies.

consolidate its capital stock, property and franchise with those of any other railroad or other company incorporated under the laws of this or any other State, and such company is hereby authorized to merge and consolidate with this company, and that the consolidated company shall have all the rights, powers and privileges and franchises as each of the companies theretofore had. That such consolidation may be effected in such a manner and on such terms as a majority of the stockholders of each of the said companies may determine.

Former powers  
and rights, except  
as amended,  
ratified.

SEC. 8. That except as herein amended all the powers and rights acquired by this corporation under the charter granted it under chapter 49, volume 1 of The Code, are ratified and confirmed.

SEC. 9. That this act shall be in force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 337.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF SANFORD.

*The General Assembly of North Carolina do enact:*

Chapter 307, Pri-  
vate Laws of 1899,  
relative to char-  
ter of town of  
Sanford,  
amended, as to  
corporate limits.  
Corporate limits.

SECTION 1. That chapter three hundred and seven of the Private Laws of eighteen hundred and ninety-nine be and the same is hereby amended by striking out section two of said act and substituting in lieu thereof the following: "That the corporate limits of said town shall be as follows: Beginning at a point three-fourths of a mile north from the grade crossing of the Raleigh and Augusta Air Line Railroad and the Atlantic and Yadkin (or Atlantic Coast Line) Railroad, and running thence east three-fourths of a mile; thence south one and one-fourth mile; thence west one and one-fourth mile; thence north one and one-fourth mile; thence east one-half mile, to the beginning."

Amended as to  
ward divisions.

SEC. 2. That the said act be and the same is hereby further amended by striking out section three thereof and substituting the following: "That the town of Sanford shall be divided into five wards, denominated first, second, third, fourth and fifth wards. The said wards shall be bounded as follows:

Boundaries of  
wards defined  
as follows:

First.

"First Ward, beginning at the intersection of the west boundary of the town with the Buffalo Church Road, and running thence with the center of the road to the center of Carthage



Street; thence with the center of Carthage Street to the center of Charlotte Avenue; thence with the center of Charlotte Avenue to Little Buffalo Creek; thence down the various courses of said creek to the north boundary of the town; thence with the north and west boundaries to the beginning.

"Second Ward, beginning at the intersection of the north boundary of the town with Little Buffalo Creek, and running thence up the various courses of said creek to the center of Charlotte Avenue; thence with the center of Charlotte Avenue and the extension thereof to the east boundary of the town; thence with the east and north boundaries to the beginning. Second.

"Third Ward, beginning at the intersection of the east boundary of the town with the center of the extension of Charlotte Avenue, running thence with the center of said extension and Charlotte Avenue to the center of Little Buffalo Creek Alley; thence with the center of said alley to the center of McIver Street; thence with the center of McIver Street to the intersection of the center line of said street with the center line of Second Street; thence south 12 degrees east to a stake in the center of Little Buffalo Creek; thence up the various courses of said creek to the south boundary of the town; thence with the south and east boundaries to the beginning. Third.

"Fourth Ward, beginning at the intersection of the south boundary of the town with Little Buffalo Creek, and running with the west boundary of Third Ward to the center of Charlotte Avenue; thence with the center of Charlotte Avenue to the center of Carthage Street; thence with the center of Carthage Street to the center of the Buffalo Church Road; thence with the center of said road to the west boundary of the town; thence in a direct line to the southwest corner of G. A. Davis' lot; thence with his south line to a stake; thence in a line parallel with Steele Street to the southwest corner of the Steele Street Methodist Church lot; thence in a direct line to the southwest corner of the Moffitt foundry or a stone; thence in a direct line to a point in the center of Chatham Street opposite a large oak at the corner of the Brewer building; thence in a direct line to the northeast corner of Primus Holmes' lot; thence with Holmes' line east to his east corner; thence with said line to his south corner; thence directly south to W. T. Buchanan's line near Little Buffalo Creek; thence with his line to Chatham Street; thence with the center of Chatham Street to a point in said street opposite to the southwest corner of J. S. McIver's residence lot; thence crossing the Atlantic and Yadkin (or Atlantic Coast Line) Railroad a direct line to the southwest corner of the John A. Womack residence lot; thence in a direct line to the southwest corner of Mrs. W. O. Pace's lot; thence parallel with the aforesaid railroad to Fourth.

the south boundary; thence with said south boundary of the town to the beginning.

Fifth.

"Fifth Ward, all that portion of the town of Sanford not contained in the First, Second, Third, Fourth wards."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 338.

### AN ACT TO REPEAL THE CHARTER OF THE TOWN OF POINT CASWELL, IN PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

Chapter 85, Private Laws of 1883, relating to charter of town of Point Caswell, repealed.

SECTION 1. That chapter eighty-five (85) of the Private Laws of 1883, and all amendments thereto, be and the same are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 339.

### AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO FUND THE BONDED INDEBTEDNESS OF MURFREESBORO TOWNSHIP, HERTFORD COUNTY," RATIFIED 28th DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND ONE.

*The General Assembly of North Carolina do enact:*

An act relative to bonded indebtedness of Murfreesboro Township, passed this session, amended.

SECTION 1. That section one of an act, entitled "An act to fund the bonded indebtedness of Murfreesboro Township, Hertford County," passed by the General Assembly at this session, and ratified the 28th day of February, 1901, be, and the same is hereby amended by inserting after the words "North Carolina" in said section the following: "Passed at its session of one thousand eight hundred and eighty-seven, and ratified the 7th day of March, one thousand eight hundred and eighty-seven."

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 340.

AN ACT TO INCORPORATE SYLVAN SCHOOL-HOUSE, IN  
RUFFIN TOWNSHIP, ROCKINGHAM COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous, vinous or malt liquors, or other intoxicants, within two miles of what is now known as Sylvan School-House, in Ruffin Township, in Rockingham County.

Unlawful to sell intoxicating liquors within two miles of Sylvan School-house.

SEC. 2. That any person or persons violating this act shall be deemed guilty of a misdemeanor, and upon conviction fined or imprisoned or worked on the county roads at the discretion of the Court.

Penalty for violation of act.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 341.

## AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE AND TO FACILITATE THE COLLECTION OF TAXES IN MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. If any tax-payer of the city of Charlotte or of Mecklenburg County shall fail to pay prior to the 10th day of January in any year the full amount of his taxes due said city or said county, then such tax-payers shall be liable for additional taxes to the amount of five per cent (5 per cent) upon the taxes due by him upon the 1st day of January, and if any tax-payer of the city of Charlotte or of Mecklenburg County shall fail to pay prior to the 10th day of February, in any year, the full amount of his taxes due said city or said county, he shall be liable for additional taxes to the amount of five per cent (5 per cent) upon taxes due by him on the 10th day of February. And the Tax Collectors of the city of Charlotte and Mecklenburg County are authorized, in the case of any such delinquency, to add to the taxes levied, the percentage authorized by this act, and to collect the same as a part of the taxes levied by the Board of

Additional taxes on delinquent tax payers and on tax collector of Charlotte and Mecklenburg County, amount of, when liable for, how levied.

Aldermen of the city of Charlotte or by the Board of Commissioners of Mecklenburg County.

Act not to apply to license taxes or to alter rights of tax collector to levy and sell as now provided.

SEC. 2. That nothing in this act shall apply to the payment of what is known as license taxes, and nothing in this act shall be construed to alter the rights of the Tax Collector of the city of Charlotte or any Tax Collector of Mecklenburg County to collect taxes by levy and sale or otherwise as now provided in the charter of the city of Charlotte or otherwise.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 342.

### AN ACT TO ENLARGE AND AMEND THE CHARTER OF SCOTLAND NECK.

*The General Assembly of North Carolina do enact:*

Corporate name and powers.

SECTION 1. That the citizens of Scotland Neck shall be and continue to be as heretofore a body corporate and politic, under the name and style of Scotland Neck, and by this name may take, hold and acquire for the purpose of its government, welfare and improvement all such estate and property as may be devised, bequeathed, or conveyed to it, and may sell any property acquired by it when deemed for the interest of the town.

Corporate limits enlarged.

Boundaries of extension.

SEC. 2. The limits of Scotland Neck shall be as set out in the first act of incorporation, with the following territory added thereto: Beginning on the west side of present town limits, at the termination of 10th Street, in present plan of the town, on the north side thereof; thence in a westerly direction with the course of said street 460 feet; thence in a parallel line with present town line to a point in the course of the prolongation of the north side of 14th Street; thence with said course in an easterly direction to the present town limits 460 feet; thence parallel with and along present town line to the beginning; and beginning on the east side of present town limits, at a point in the course of the line of the south side of 8th Street; thence in an easterly direction the course of this street 380 feet; thence in a parallel line with Greenwood Street to a point in the course of the north side of 14th Street; thence with the course of said street 1380 feet to present town limits; thence parallel with Greenwood Street to the beginning.

SEC. 3. That the corporate powers and authority granted the said town, Scotland Neck, shall be vested in a Mayor and four Commissioners. No person shall be eligible to hold office in said town unless he is a duly qualified voter therein. The Mayor and Commissioners elected under this act shall hold their offices for two years and until their successors are elected and qualified.

Officers; eligibility to hold office; term of office.

SEC. 4. Every person who is entitled to vote under the laws of this State shall be entitled to vote in said town: *Provided*, he shall have resided therein for ninety days next preceding the day of the election.

Qualifications of voters.

SEC. 5. The first election held under this act shall be on the first Monday in May, 1901, and every two years thereafter, under such rules and regulations as may be prescribed by law, and until such election the present officers of said town shall hold the said office of Mayor and Commissioners.

Elections, when and how held.

SEC. 6. That the Commissioners of said town may prescribe within what limits on Main Street no wooden buildings may be erected, or buildings with wooden roofs, and they may adopt such ordinances as may prevent the erection thereof.

Fire limits and regulations.

SEC. 7. The Commissioners of said town shall have full power and authority to open any new streets when it shall be deemed necessary and where the owner of the land and the Commissioners can not agree upon the compensation which he ought to receive, the said Commissioners shall have full power to condemn the land necessary by making just compensation; and in case of any such disagreement, the Commissioners shall cite the land owner to appear before them on five days' notice to show cause why the land should not be condemned and why he should not accept the compensation tendered. At such time, if the Commissioners are of the opinion that the land should be condemned, and that the compensation is just, if the owner refuses to accept the compensation offered, they shall issue an order to the Town Constable to summon three disinterested and competent freeholders of said town, who shall go upon the premises after giving the land owner five days' notice, and determine what compensation is just, and make their report to the said Commissioners. In assessing damages the jurors shall take into consideration any benefits that may accrue to the land owner not common to other citizens by opening the street. Either party dissatisfied with the damages assessed by the jury may appeal to the Superior Court in term by giving bond in the sum of two hundred dollars for costs, but no appeal shall prevent the opening of said street pending the appeal.

Power of eminent domain.

SEC. 8. That all male persons resident in said town between the ages of 18 and 45 may be required to work on the streets of said town three days in each year, or pay the sum of two dol-

Persons subject to work streets.

lars in lieu thereof, except such persons as are exempt from road duty under the general law.

Penalty for refusal to work streets after notice.

SEC. 9. That any person who shall refuse to work upon said streets as aforesaid or pay said sum of two dollars in lieu thereof, after he shall have been duly notified as required by law for working the public roads, upon conviction before the Mayor, or any Justice of the Peace, shall be fined two dollars, and the costs, and upon failure to pay the fine and costs, he may be sentenced to work on the streets for not more than twenty days.

Appointive officers; term of office, powers, duties, etc.

SEC. 10. The Commissioners may appoint a Town Constable, who shall be Chief of Police and Tax Collector, and such other officers, servants, agents and Policemen as may be necessary for the good government of the town, all of whom shall hold their office at the will of the Commissioners; they may determine the amount of compensation to be paid them, define their duties, impose oaths of office, require bonds in proper penalties, payable to the State, fix the compensation of the Mayor, and all other officers.

Rules and regulations.

SEC. 11. The Commissioners may prescribe rules regulating the erection of stoves, stove-pipes, chimneys and flues, and fix fines for violation of such rules and regulations.

Taxes, when and where levied, subjects of taxation; liquor license.

SEC. 12. The Commissioners of said town, for the expenses incident to improving and governing said town, shall annually at their first meeting in May, levy a tax on the real and personal property, choses in action, solvent credits, and all other property not exempt under the State law, in said town, not exceeding fifty cents on the hundred dollars and one dollar and fifty cents on each taxable poll; they may also at said time levy a tax on all retailers of vinous or spirituous liquors of \$150.00 for the year following the first day of May in each year, which shall be paid in advance and license issued for time payment is made.

Special or privilege taxes enumerated; street peddlers, etc.

SEC. 13. The Commissioners may in their discretion levy the following privilege taxes or any part thereof:

(1) On every person vending from a stand, or hawking the same on the streets, drugs, nostrums, medicines, or notions of any kind, not to exceed ten dollars.

Miscellaneous.

(2) On every merchant not to exceed five dollars, druggists not to exceed five dollars, on bankers, brokers, barbers, billiard and pool tables kept for profit, hotels, boarding-houses taking transient guests, restaurants, butchers, jewelers, persons and corporations who sell oil from delivery wagons, horse and mule dealers, gnano dealers, fish and oyster dealers, livery stables, public warehouses, portrait painters, photographers, and ice drink venders, not exceeding five dollars; on public drays five dollars, on concert and musical entertainments given for pay, five dollars for each week or part of a week; on peddlers, ten dol-

lars: on side-shows, five dollars for each performance given in the town or within one mile thereof; on circuses or any show or performance given in the town or within one mile, under tents, not to exceed fifty dollars for each day's performance or exhibition; on hobby horses or merry-go-rounds, not less than twenty-five dollars for each six months or fractional part thereof; and upon all other trades, professions and businesses taxed by the State, whether mentioned herein or not, a reasonable tax not exceeding five dollars per year. And any one liable for any privilege tax not paying the same at the time fixed by the Commissioners shall be fined upon conviction before the Mayor the sum of five dollars for each day he may conduct such business without a license, and his goods and chattels may be levied upon and sold by the Town Constable to pay the same.

Penalty for failure to pay privilege tax.

SEC. 14. The Commissioners at their first meeting in May of each year shall appoint a list-taker to take the list of taxable property in the town, and he shall, under the same regulations as are required by the State, begin to take the tax list on the first day of each June, and all persons liable for taxes in said town shall appear before such List-Taker and give in the taxes for which they are liable, and any one failing to do so shall be guilty of a misdemeanor and upon conviction may be fined by the Mayor not exceeding five dollars, and moreover liable to a double tax. The values upon land shall be the same as are fixed by the assessors appointed by the county.

List taker, appointment of, duties; taxes, how listed; penalty for failure to list.

SEC. 15. That sections 3798, 3799, 3801, 3802, 3803, 3804, 3805, 3806, 3808, 3809, 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817, 3818, 3819, 3820, 3821, 3822 and 3823 be incorporated into and made a part of this charter, and that all authority, not inconsistent with the provisions of this charter contained in chapter 62 of The Code is hereby vested in said corporate authorities.

Certain sections and certain parts of chapter 62 of The Code incorporated in charter.

SEC. 16. That the Commissioners may impose a definite fine not exceeding fifty dollars, or imprisonment for not more than thirty days, for violation of any ordinance that they may pass, with provisions for working the persons convicted upon the streets for a term not exceeding thirty days for non-payment of fine and costs.

Fines and penalties.

SEC. 17. That the Mayor shall preside at all meetings of the Commissioners, but shall have no vote except in case of a tie.

Mayor to preside over meetings of commissioners.

SEC. 18. That in case of a vacancy for any cause in the office of Mayor or Commissioner, the Commissioners may elect from any citizen of the town to fill said vacancy.

Vacancies in office of commissioner or mayor, how filled.

SEC. 19. That the Commissioners of the town shall cause an accurate map of said town to be made and upon due proof of the same made by the oath of the Mayor or before the Clerk of the Superior Court, or any Justice of the Peace, the same shall

Map of town to be made and registered.

be registered in the office of the Register of Deeds of said county.

Conflicting laws repealed.

SEC. 20. That this act shall be in force from and after its ratification, and all laws in conflict therewith are hereby repealed.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 343.

### AN ACT AUTHORIZING THE TOWN OF HAMLET TO ISSUE BONDS AND LEVY SPECIAL TAXES FOR PUBLIC SCHOOL PURPOSES.

*The General Assembly of North Carolina do enact:*

Commissioners of Hamlet authorized to submit question of issuing bonds, etc.

SECTION 1. That the Board of Commissioners of the town of Hamlet, Richmond County, shall, at the regular town election, on the first Monday in May next, submit to the qualified voters of said town the question of issuing bonds and levying taxes for school purposes in said town, as hereinafter provided, and shall give thirty days' notice of said election in some newspaper published in said county.

Notice of election.

Election, how held; when.

SEC. 2. That said election shall be held in the same manner and by the same officers as the election for Mayor and Commissioners, as provided in the charter of said town, on said first Monday in May next; and the qualified voters who are in favor of issuing the bonds and levying the special taxes as herein provided, and for the purposes set forth in this act, shall vote at said election tickets on which shall be written or printed the words "For Schools, Bonds and Taxes," and those who are opposed to the issuing of said bonds and the levying of said taxes for said purposes shall vote a ticket on which shall be written or printed the words "Against Schools, Bonds and Taxes," and said votes shall be canvassed in the manner provided in the charter of said town for canvassing the votes for Mayor and Commissioners.

Form of ballots.

Votes, how canvassed.

Result of election.

SEC. 3. That if a majority of the votes cast at said election shall be for schools, bonds and taxes, it shall be the duty of the Board of Commissioners of said town, and their successors, to levy annually a special tax not exceeding thirty-five cents on the hundred dollars valuation of all the taxable property of said town, and upon the poll not exceeding one dollar and five cents, observing always the constitutional equation between property and poll tax; and said special tax shall be collected annually by the Tax Collector as other taxes are collected in said town.

Special tax levied on property and poll.

How collected.



SEC. 4. That said taxes shall be paid over by the Tax Collector of said town, after deducting a commission of two and one-half per centum for the collection of the same, to the Treasurer of said town; and said officers shall give sufficient bonds, the former for the collection and paying over of said taxes, and other taxes authorized by this act, and the latter for the safe keeping and proper disbursement of the same, and such other funds as shall come into his hands for school purposes, and said Treasurer shall keep said school funds separate and apart from all other moneys, and shall pay out the same only upon the warrant or order of the "Board of Trustees of the Hamlet Public Schools," hereinafter created and appointed, or their successors, and no such warrant or order shall be honored by said Treasurer unless the same shall be signed by a majority of the members of said board, or by the chairman and secretary. The moneys which shall from time to time be apportioned under the general school law of the State to the Hamlet School District shall be paid to the Treasurer of the town of Hamlet, who shall be *ex officio* treasurer of the Board of Trustees hereinafter appointed and provided for, by the Treasurer of Richmond County for the use and benefit of the public schools of said town, and shall be paid out by him on the warrant or order of the said Board of Trustees, in the same manner and on the same conditions as the funds derived from the special tax levy authorized in the preceding section.

SEC. 5. For the purposes of this act, the town of Hamlet shall be and constitute a public school district for both the white and colored races.

SEC. 6. That M. C. Freeman, H. F. Kinsman, Duncan McNair, A. Farror, T. F. Boyd and J. M. Jamison, and their successors, shall be and they are hereby created a body corporate, under the name of the "Board of Trustees of the Hamlet Public Schools," with power to sue and be sued, plead and be impleaded, for all the purposes of this act; and that the first two of said trustees named above shall hold office for a term of one year, the second two for a term of two years, and the third two for a term of three years from the first day of May next; that as the term of office shall expire, his successor shall be elected for a term of three years by the Board of Trustees. Whenever a vacancy shall occur in said board from any other cause than by the expiration of the term of a trustee, said vacancy shall be filled by the board.

SEC. 7. That the Board of Trustees provided for in this act shall have entire and exclusive control of the public school interest and property in the town of Hamlet; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall annually employ and fix the

Tax paid over to town treasurer; two and one-half per cent commission allowed; officers to give bond.

Disbursement.

Money, how paid out, and for what purpose.

Treasurer of Hamlet *ex-officio* treasurer of the Board of Trustees.

Purpose of said levy.  
How paid out.

Hamlet constituted a school district for both races.

Style and members of Board of Trustees

Powers of board.

Duration of the respective terms of the members of the board.

Successors to be elected.  
Vacancy, how filled.

Board to have control of school interests.

Rules for governing same.

To employ officers and teachers; removal of same.

To provide for school census, etc.

Power of board to own, sell or contract for property.

Proviso.

Board to apportion school money between the two races.

Length of school term to be maintained.

All children between six and twenty are eligible.

Tuition fee.

Nature of subjects and studies to be taught.

Non-resident children, how admitted.

Tuition to be decided by board.

Commissioners to issue bonds.

Amount and denomination of same.

Rate of interest.

Payable semi-annually.

Time to run.

Coupons to be numbered; how signed.

compensation of officers and teachers of the public schools of said town, said officers and teachers to be subject to removal by the board; shall make, or cause to be made, an accurate census of the school population of the district embraced in said town, as required by the general law of the State, and do all other acts that may be just and lawful to conduct and manage the general school interest in said town.

SEC. 8. That said Board of Trustees shall have the power to acquire by gift, grant or purchase, and to hold property, real or personal, in trust for the public schools of said town; and the said Board of Trustees may sell, transfer or mortgage the same for school purposes: *Provided*, that all deeds, mortgages and other agreements affecting real estate, made by said board, shall be deemed sufficiently executed when signed by the chairman and secretary of said Board of Trustees.

SEC. 9. The said Board of Trustees shall apportion the moneys raised or received for educational purposes in the town of Hamlet between the two races so as to equalize school facilities between white and colored children; and they shall maintain a school for each race for so long a term each year as the funds raised and received under this act will allow; and all children resident in said town, between the ages of six and twenty-one years, shall be admitted to said schools free of tuition. The subjects and studies taught in said schools shall be those taught in the regular public schools of the State, and such other branches as the Board of Trustees shall adopt.

SEC. 10. That children who are not residents of said town, whose parents or grandparents own property in said town to the value of five thousand dollars, shall be admitted to said schools free of tuition; and that any children who are not residents of said town may be allowed to attend said schools upon payment of tuition, the rate of which shall be adopted by the Board of Trustees.

SEC. 11. If a majority of the votes cast at said election on the first Monday in May next shall be for schools, bonds and taxes, the Commissioners of said town are hereby authorized to issue coupon bonds of the town of Hamlet to the amount of two thousand dollars, in denominations of not less than one hundred dollars (\$100.00), bearing interest from the date of said bonds at a rate not exceeding the rate of interest allowed by law, and payable semi-annually on the first day of January and the first day of July of each year until the said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said Commissioners and named therein, not to be less than ten nor more than twenty years from the date thereof; said bonds and their coupons shall be numbered, and the bonds shall be signed

by the Mayor of said town and countersigned by the clerk to the Board of Commissioners of said town, and have the corporate seal of said town attached thereto, and the coupons attached to said bonds shall be signed by the Mayor of said town; that a record shall be kept of said bonds, showing the numbers and denominations thereof, and to whom sold, the dates of issuing thereof, and when the same will mature, and the rate of interest thereon, the amount received from the sale of the same and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as said Board of Commissioners shall direct to be kept.

Seal of the town attached.

Coupons and bonds, how made up.

SEC. 12. That the bonds hereby authorized to be issued shall be sold, and the proceeds arising from the sale of the same shall be paid into the treasury of said town, and held by the Treasurer subject to the order of the aforesaid Board of Trustees of the Hamlet Public Schools, who shall expend the same in the purchase of lands in the town of Hamlet, and the erection thereon of suitable buildings and improvements, and furnishing the same with the necessary equipments and furniture for the accommodation of the public schools of the town of Hamlet.

Bonds to be sold, money paid into town treasury.

Trustees to purchase land and erect school buildings.

SEC. 13. In order to pay the interest on said bonds, and to create a sinking fund to pay the principal of the same, at maturity, the Commissioners of the town of Hamlet shall each year, until the last of said bonds to become due shall have been paid, levy and collect a special tax of five cents on every one hundred dollars valuation of all the taxable property of the town of Hamlet, and fifteen cents on every taxable poll or such other special taxes as may be necessary for that purpose, observing the equation of taxation between property and polls as fixed by the Constitution; and the money paid into the treasury of said town received from such tax levy shall be apportioned for the payment of said bonds and coupons, and for no other purpose whatsoever: *Provided*, that all moneys remaining in the treasury belonging to said fund after all the aforesaid bonds and coupons shall have been redeemed may be transferred by the order of the Board of Commissioners of said town to the school fund of said town of Hamlet.

Interest, how paid  
Sinking Fund.

Tax levied and proportion of same.

Amount raised applicable only for payment of bonds and coupons  
Proviso.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 344.

## AN ACT TO ALLOW THE COMMISSIONERS FOR THE TOWN OF ALBEMARLE TO ISSUE BONDS, AND TO AMEND THE CHARTER OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

Election authorized.	SECTION 1. That the Board of Commissioners for the town of Albemarle, in Stanly County, are hereby authorized and empowered to cause an election to be held at the various polling places in said town at any time and as many times as said Commissioners may appoint, and to submit to the qualified voters of said town the question of issuing bonds not to exceed in amount the sum of twenty thousand dollars, for the purposes and under the provisions hereinafter named in this act, and levying and collecting annually a special tax to provide for the payment of the interest thereon, and to provide a sinking fund for the payment of the principal of said bonds when they shall become due. And said election or elections shall be advertised by the Commissioners of said town for thirty days prior to the day of election in some newspaper published in said town, and shall be held under the same rules and regulations as is prescribed by law for the election of Mayor and Commissioners of said town. And said Commissioners shall specify in each advertisement for election on the issuing of bonds under this act the amount of bonds to be voted for at such election, and the purpose for which they are to be issued; and those who are in favor of issuing the amount of bonds specified in any advertisement calling an election for said purpose, and levying and collecting said special tax, shall vote a written or printed ticket with the words "For Bonds" thereon, and those who oppose shall vote a written or printed ticket with the words "Against Bonds" thereon.
Polling places.	
Question of issuing \$20,000 bonds to be submitted.	
Tax to be levied, and its purpose.	
Election to be advertised.	
How held.	SEC. 2. That the proceeds arising from the sale of said bonds shall be applied to the payment of the outstanding indebtedness contracted for or on account of the graded school in said town; for the establishment of such a system of water-works as said Commissioners may deem proper; for electric lights and for street improvements; but the proceeds of no bonds shall be applied to any purpose other than that for which the same were issued as specified in the advertisement calling for the election under which they are issued.
What advertisement to contain.	
Ballots, what to state.	
Proceeds to be applied to payment on outstanding debt on graded school or to establish water works, electric lights.	SEC. 3. If a majority of the qualified voters of said town, at any election called under this act, shall vote "For Bonds," then the Commissioners for said town shall issue coupon bonds not to exceed in amount the sum voted for at said election, and in
Commissioners to issue coupon bonds.	
Amount and denomination.	

denominations of not less than five hundred dollars and not more than one thousand dollars, bearing interest from the date of the bonds at a rate not exceeding six per centum per annum, payable semi-annually at some bank designated in said bonds, on the first days of January and July of each year until said bonds are paid. The said bonds shall be made payable at the expiration of not more than forty years from the date thereof. The bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of said town and countersigned by the clerk of the Board of Town Commissioners; and a record shall be kept of all bonds, showing the number, amount, and to whom sold. The coupons shall be received in payment of all taxes, fines and debts due said town. Said bonds shall be sold for not less than their par value.

Amount of interest, when payable.

Maturity of bonds.

How executed.

Record to be kept.

Coupons receivable for town taxes; sale price.

SEC. 4. In order to pay the interest on said bonds, the Commissioners for said town are hereby authorized and it shall be their duty to annually compute and levy at the time of levying other taxes of said town, a sufficient special tax upon all polls and all property, real and personal, and other subjects of taxation mentioned in the charter of the town of Albemarle, and acts amendatory thereto, which shall be returned or listed for general taxation in said town, with which to regularly and promptly pay the interest on said bonds: said taxes shall be collected in the same manner and at the same time the other taxes of said town are collected, and shall be paid over by the Town Tax Collector to the Treasurer of said town, which officer shall give justified bonds in amounts amply sufficient to cover said taxes, the former officer for collecting and paying over, and the latter for the safe keeping and proper disbursement of said funds.

Commissioners to levy tax to pay interest.

Tax, how collected.

Paid to town treasurer.

Treasurer to give bond.

SEC. 5. That the taxes levied and collected for the purposes specified in section four of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purposes for which they were levied and collected, and any Mayor or Commissioners who shall appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which they were levied, any of said special taxes, or any part thereof, or shall in any other way violate the provisions of this act, shall be guilty of a misdemeanor: *Provided*, that if the taxes levied and collected for the payment of interest shall in any year exceed the sum required for that purpose, the amount in excess shall be applied to the credit of the interest fund for next succeeding year, and said Commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess and compute and levy said taxes accordingly.

Tax to be kept separate.

Restriction as to use.

Violation of provisions of this act a misdemeanor.

Application of tax in excess of interest.

SEC. 6. For the purpose of creating a sinking fund with which to pay the principal of the bonds issued under this act, it shall

Sinking fund created.

- be the duty of said Commissioners, ten years before the maturity of any bonds issued under this act, to annually levy and collect a special tax, in addition to that mentioned in section four of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, as provided in section seven of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said Commissioners shall cease to levy taxes for said sinking fund.
- When tax levy for sinking fund to cease.
- Commissioners authorized to invest tax in bonds.
- Sinking fund.
- To take security for same.
- Evidences of debt, how executed.
- Disposition on failure to invest.
- A misdemeanor to be interested in any loan.
- Section 3, chapter 149, Private Laws 1899, amended.
- Section 17, chapter 149, Private Laws 1899, amended.
- Section 26, chapter 149, Private Laws 1899, amended.
- SEC. 7. That it shall be the duty of said Commissioners to annually invest any and all money arising from the special tax collected under section six of this act in the purchase of any of said bonds at a price deemed advantageous to said town by said Commissioners, but in case said bonds can not be purchased as hereir provided, the said Commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper, for a length of time not exceeding six months prior to the date of maturity of said bonds, taking as security for the repayment thereof and for the payment of the interest thereon, mortgages or deeds in trust in the name of the Mayor, or sufficient real estate, or bonds issued under this act may be taken as collateral security for such loans. The notes or other evidences of debt given for any loan under this section shall be executed to and in the name of the Commissioners for the town of Albemarle, and shall bear interest payable annually at a rate not less than six per centum per annum; and in case the Commissioners for said town shall not be able to invest any or all of said money annually as directed above, they may, and it shall be their duty to cause such part as they are unable to invest to be deposited with some bank, trust company or safe deposit company, of undoubted solvency, at the best obtainable rate of interest, and any and all interest arising from the investments as above directed shall be reinvested in the manner as above provided. Any Mayor or Commissioner of said town who shall be personally interested, directly or indirectly, in any loan, shall be guilty of a misdemeanor.
- SEC. 8. That section three (3) of chapter 149, Private Laws of 1899, be, and the same is hereby amended by striking out the word "seven" in line one (1) of said section, and inserting the word "five" in lieu thereof.
- SEC. 9. That section seventeen (17) of said chapter 149, Private Laws of 1899, be amended by adding to the end thereof the following words: "Not less than five (5) nor more than fifty (50) dollars."
- SEC. 10. That section twenty-six of said chapter 149, Private Laws of 1899, be amended by inserting between the words "tax"

and "circuses" in line two (2) of said section the following words. "peddlers of all kinds of goods, wares, merchandise, paints, polishes, varnishes, oils, markets for fresh meats, and fix and regulate the sale thereof, dealers in fireworks, draymen, liverymen, all persons who run milk wagons and retail milk as a business, and insurance companies, both life and fire, who have soliciting agents in said town."

SEC. 11. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 345.

### AN ACT TO PERMIT THE CITY OF DURHAM TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the city of Durham be, and is hereby authorized to collect for the benefit of the tax-payers of said city the arrears of taxes listed and unpaid, and now standing on the tax book for the years one thousand eight hundred and ninety-seven (1897), one thousand eight hundred and ninety-eight (1898), one thousand eight hundred and ninety-nine (1899), under such rules and regulations as are prescribed by law for the collection of taxes levied by said city.

Arrears of taxes to be collected.  
For what years.  
How collected.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first Monday in January, one thousand nine hundred and two (1902).

Authority when to cease.

SEC. 3. That no person shall be compelled to pay any tax under this act who holds a receipt in full for the taxes of said city for any of said years, or shall make affidavit before any person authorized to administer oaths that the same has been paid; nor shall any guardian, executor, or administrator in his representative capacity be compelled to pay any arrears of taxes under this act.

Tax receipt or affidavit a bar.

SEC. 4. That the powers to collect taxes herein given shall be exercised by the Tax Collector of the city of Durham.

Tax collector to collect.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 346.

## AN ACT TO INCORPORATE THE SALISBURY LOAN AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That Theo. F. Kluttz, Lee S. Overman, J. Samuel McCubbins, J. P. Gibson, O. D. Davis, Frank L. Robbins, W. H. Crawford and John S. Henderson, their present and future associates, successors and assigns, are hereby declared to be a body
Corporate name.	corporate by and under the name and style of "The Salisbury Loan and Trust Company," and shall so continue for a period of
Corporate existence.	sixty (60) years, and as such be capable in their corporate names
Corporate powers.	to sue and be sued, appear, prosecute and defend to final judgment and execution in all actions in any courts or elsewhere; to have a common seal, which they may alter at pleasure; to elect in such manner as they shall determine to be proper all necessary
Officers.	officers, and define their duties and obligations; to fix their compensation; to take bonds with security payable to said Loan and
Corporate powers.	Trust Company for the faithful performance of their duties, and
By-laws.	to make by-laws and regulations not inconsistent herewith, the laws of this State and of the United States, for due and orderly conduct and government of themselves and management of the affairs, business and property of the said company, and alter the same as they may provide in said by-laws; to determine the manner of calling and conducting all meetings, the number of
Meetings and members.	members that shall constitute a quorum, the number of shares that shall entitle the members to one or more votes, the mode of voting by proxy, the mode of selling and transferring stock, the
Officers.	term of office of the several officers, the manner in which vacancies in any of the offices shall be filled till a regular election, and such other things as may be for the best interest of said Trust
Powers.	Company; and to do any and all things exercised by or incident to other corporations of similar character and purpose by force of the common or statutory laws of the State.
Capital stock.	SEC. 2. The capital stock of said Loan and Trust Company shall not be less than ten thousand dollars (\$10,000), divided into shares of the par value of one hundred dollars (\$100), with
Privilege to increase.	power in said corporation to increase the same from time to time to an amount not exceeding five hundred thousand dollars (\$500,000), divided into shares of the par value as above.
Powers.	SEC. 3. That said Loan and Trust Company shall have power to buy, take, acquire, hold and own all kinds of real, mixed and personal estates and properties in the name and right of the said Trust Company; and as owner thereof or in trust for said company or for others, and convey and incumber the same or any



part thereof as natural persons can or are authorized to do under the laws of this State, and to and with the same effect; and it shall be competent for the said Loan and Trust Company to convey or incumber real estate or any interest therein by a deed executed in the name of said company, by its president or chief officer, with the corporate seal affixed thereto, as well as the modes now exercised by other corporations, and the same may be admitted to probate and registration on the acknowledgment of the said president or other chief officer signing the same, or proof by any subscribing witness thereto, as in case of natural persons, before the proper officers.

Manner of conveying.

SEC. 4. The said company shall have power to receive money in trust and accumulate the same at such legal rate of interest as may be obtained or agreed on, or to allow interest not exceeding the legal rate; to accept and execute trusts of every description as fully as any person or persons whatsoever, or by any corporation, or by order, decree, or authority of any court of record, upon such terms as may be agreed upon, provided or declared thereto; to act as agent for the purpose of issuing, registering or countersigning certificates of stock, bonds or other evidences of debt of any State, corporation, association, municipality, or public authority, on such terms as may be agreed upon; to lease and rent real estate, and collect rents from the same; to accept from and execute trusts for married women, in respect of their separate property or estate, whether real, personal or mixed, and to act as agent for them in the management, sale and disposition of their properties.

Powers continued.

May act as agent.

Rents.

Married women.

SEC. 5. That in all cases where an application may be made to any court having jurisdiction to appoint a curator or guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, said court shall have power to appoint said company as such curator, guardian, committee, administrator, trustee or receiver upon the like application that any person might be so appointed; and it shall be lawful for any person, natural or artificial, by deed, will or other writing, to appoint said company a trustee, executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, assignee, receiver, said company may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities.

Powers continued.

Guardian.

Administrator, etc.

Liability.

SEC. 6. Whenever the said company shall be appointed to any place of trust enumerated in the last foregoing sections, or whenever deposits of money or valuables of any kind, shall be made with said company, the capital stock and its property and effects shall be taken and considered as security required by law, for the faithful performance of its duties, and shall be absolutely liable

Capital stock named as security.

Liability restricted.

therefor, and no other security shall be required from it, on the execution of the bond required, where one is now required of any natural person acting in such capacity.

May act as a deposit for executors, guardians, etc.

SEC. 7. That it shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee, public officer, or other person having the custody of any bonds, stocks, securities, moneys or other valuables, to deposit the same for safe keeping with said company.

Courts to make orders in reference to said company in certain cases.

SEC. 8. That every court wherein said company shall be appointed or shall be allowed to qualify as guardian, committee, executor, administrator, trustee or receiver, or in which it is made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto, and require said company to render all accounts, which said courts might lawfully make or require, if such company were a natural person.

Company authorized to invest.

SEC. 9. That said company is authorized to invest moneys received in trust on deposit, loan or otherwise, and to take, have and hold estates, real, personal and mixed, obtained with the moneys aforesaid, or with funds belonging to said company and to sell, grant, mortgage or otherwise incumber, lease or dispose of the same, and to that end may execute all deeds or other instruments concerning the same as hereinbefore provided; to subscribe for and take stock in any other incorporated companies; to borrow and lend money, and give or take notes therefor, as the case may be; discount, buy, and sell notes, bonds, drafts, and other securities, or evidences of debt; to lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate, with privilege to charge and retain the same in advance, and secure the payment thereof by mortgages or deeds in trust, made directly to said company, or to others in trust for it, on all kinds of property; to act as agents for others in borrowing and lending money, charging such compensation therefor by way of commissions as may be agreed upon by said company and the party for whom it is acting; to deal in exchange foreign or domestic, securities, mortgages, bonds, certificates of indebtedness, stock of incorporated companies, notes, loans, bonds of the United States, or of any city, county, or any incorporated company or individual.

Security to be taken.

May take stock in other companies.

Powers and privileges.

May act as agent.

Powers continued.

SEC. 10. That said company shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, charters, rents, annuities, mortgages, choses in action, evidences of debt, certificates of property of value, check, and the title to property, indebtedness of companies, partnerships, cities, counties, municipalities, *et cetera*, in this State and others, on

such terms or commissions as may be agreed upon, or established, by said company and the parties dealing therewith.

May charge commission.

SEC. 11. That said company may receive upon storage, or otherwise, merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debt, contracts, and all other personal properties whatsoever; take charge and custody of real and personal estates and securities, and advance money thereupon, on such terms as may be established or approved by said company; that in all cases in which public officers of municipal or private corporations are authorized to deposit money, stocks, bonds or evidences of debt, such deposit by such officer or corporations may be made with said company: *Provided*, that nothing in this act shall change the rule of law now in force as to the liability of public officers.

May receive upon storage or otherwise.

Public officers authorized to deposit.

Proviso as to liability.

SEC. 12. That as to all property held by said company as security, it shall be lawful for the said company to sell at public auction, or private sale, in its discretion, all property of what kind soever mentioned or specified in any contract or agreement between the company and other parties, real estate excepted, after ten days shall have elapsed from the time of maturity of any obligation under said contract or agreement or immediately upon the discovery of any fraud, misrepresentation or concealment, in regard to the ownership or otherwise, which might jeopardize the rights of the company, or its security, after ten days' advertisement of the time and place of sale, by bills posted at the court-house door in Salisbury, North Carolina, and three other public places in Rowan County; and to reimburse itself out of the proceeds of such sales for the money due it, with interest, storage, cost, and other charges of all kinds, and to indemnify itself for any loss it may have sustained by the non-fulfillment of such contract, or by reason of said misrepresentation, fraud or concealment.

Authority to sell at public or private sale.

Ten days after maturity.

Fraud on the company.

Ten days advertisement requisite.

To be reimbursed by said sale.

SEC. 13. That the said company is authorized to make, execute and issue, in the transaction of its business, all papers, receipts, certificates, vouchers, obligations and contracts, and the same shall be binding if signed for and in behalf of the company by the president or other chief officer thereof, except for sale or transfer of real estate, which is hereinbefore provided for, unless otherwise provided for in the by-laws.

Conduct of its business.

SEC. 14. That when married women, minors or apprentices lend money to, or deposit same, or other things of value, with said company in course of the business herein provided for, or in the course of doing a banking business, hereinafter provided for, either generally or specially, in their own or to their own name so credited, they, or any of them, may collect or draw the same, in their own name, or on their own check or order, and they and

Married women, minors, etc.

Banking business.

Authorized to do a savings bank business.	all other persons be bound thereby, and such collection, settlement, draft, checks, or orders shall be a valid and sufficient release and discharge to said company.
Regulations.	<p>SEC. 15. That said Loan and Trust Company, is hereby authorized and empowered, at any time hereafter, by a resolution of the stockholders, and a full compliance with the laws of this State relative thereto in force at the time of the adoption of such resolution; to organize, in connection with its general business, a department for savings, and do a savings bank business, for the convenience of small depositors, and to make such regulations in regard thereto as will enable said company to receive small deposits in the savings department and to give certificates or other evidences of deposit, paying such interest thereon as may be agreed upon, consistent with the laws of the State, as to the rate, and to regulate the time of payment and notice of demand.</p>
Home office, where located.	<p>SEC. 16. That said Loan and Trnst Company shall have its chief office at Salisbury, Rowan County, North Carolina, with branch offices at such other places as the stockholders may fix upon at any time.</p>
Branch offices.	<p>SEC. 17. Whenever ten thousand dollars (\$10,000) of the capital stock of said company is <i>bona fide</i> subscribed for and ready to be paid in, then by agreement, signed by said corporators and subscribers, a meeting for the purpose of organization of the company may be held, at such time and place as the said corporators and subscribers may agree upon, or after stock has been subscribed as above, then a majority of said corporators and subscribers may give notice in some newspaper published in the town of Salisbury, North Carolina, for the space of ten days, that there will be a meeting of the said corporators and subscribers, for the purpose of organization, at a time and place therein named in said town, and if, at a meeting called as herein provided for, there shall be present such persons as have subscribed for a majority of said stock (if not then another meeting shall be called in one of the foregoing ways); they, the said corporators and subscribers, may proceed to an exercise of all the powers and privileges, etc., herein granted.</p>
Organization, when and how effected.	Notice to be given.
What to set forth.	for the purpose of organization, at a time and place therein named in said town, and if, at a meeting called as herein provided for, there shall be present such persons as have subscribed
When duly incorporated.	for a majority of said stock (if not then another meeting shall be called in one of the foregoing ways); they, the said corporators and subscribers, may proceed to an exercise of all the powers and privileges, etc., herein granted.
Not individually liable.	<p>SEC. 18. The corporators and stockholders of said corporation, and their successors and assigns, shall not be individually or personally liable or responsible for any of the debts, liabilities, obligations, engagements, contracts or torts of the said association.</p>
Period of existence.	<p>SEC. 19. That said corporation shall exist, and be in force and effect, with all the powers hereinbefore conferred, for the term of sixty (60) years from and after the ratification of this act.</p>
<p>In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.</p>	

## CHAPTER 347.

AN ACT TO EXTEND THE TIME FOR INCORPORATING THE  
BANK OF EAST CAROLINA, AND TO RE-ENACT CHAP-  
TER 259 OF THE PRIVATE LAWS OF 1899.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-nine (259) of Chapter 259, Private Laws of 1899, being an act to incorporate the Bank of East Carolina, is hereby re-enacted in its entirety and the time for incorporating said bank is hereby extended for the period of two years from the ratification of this act. Chapter 259, Private laws 1899, re-enacted. Time to incorporate extended.

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

SEC. 3. That this act shall go into effect from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 348.

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY  
OF 1901, ENTITLED "AN ACT TO INCORPORATE THE  
RUTHERFORDTON RAILROAD COMPANY."*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of an act of the General Assembly of 1901 be amended to read as follows: "If said railroad company shall build its line of road from Rutherfordton through the township of Sulphur Springs so that the same will cross Broad river at or within one mile of Big Island, then the said township shall subscribe the bonds voted under this act to said railroad, otherwise the same shall not be subscribed or issued; but if said township fails to vote any tax under the provisions of said act, then said railroad company shall have the right to construct its road as originally provided for in said act." Amendatory of section five of original act. Sulphur Springs township authorized to stock Failure to vote a tax.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 349.

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FIFTY-ONE, PRIVATE LAWS EIGHTEEN HUNDRED AND NINETY-NINE, INCORPORATING THE TOWN OF CEDAR FALLS, RANDOLPH COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Chapter 351, Private  
Laws 1899, re-  
pealed.

SECTION 1. That chapter three hundred and fifty-one (351), Private Laws of eighteen hundred and ninety-nine, be and is hereby repealed.

When to become  
effective.

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

In the General Assembly read three times, and ratified this the 11th day of March. A. D. 1901.

## CHAPTER 350.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-NINE AND CHAPTER ONE HUNDRED AND TWENTY OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND EIGHTY-FIVE, BEING THE CHARTER OF THE TOWN OF MORGANTON AS AMENDED.

*The General Assembly of North Carolina do enact:*

Charter of Morganton  
amended.

SECTION 1. That the charter of the town of Morganton be and is hereby so amended as to empower the Mayor and Commissioners of said town (by a vote of a majority of a quorum) to order an election to be held in said municipality at any time after giving notice of said election by advertisement posted at the court-house door in said town, or by publication in some newspaper published therein, for four successive weeks of the time of holding such proposed election, and of the object for which it shall be proposed to hold it, to determine whether the said town shall be authorized, directed and empowered to subscribe a sum not to exceed one hundred thousand dollars, specified in the order of said Mayor and Commissioners authorizing said election, to be expended in supplying said town with water and providing for its distribution and use for drinking, for household purposes, for sewage, and for the protection of public and private property against injuries from fires, or for the improvement of the principal streets of said town, or for any or all of said purposes, and if at said election a majority of the registered or qualified

Authority to order  
an election.  
Notice required.

Object of such  
election.

voters of said town shall vote a ballot whereon shall be written or printed the words "For Bonds" then the said Mayor and Commissioners of said town shall have the power and authority, and it shall become their duty, to issue the coupon bonds of said town to the aggregate amount mentioned in the order, submitting the question of creating the indebtedness to the said voters in denominations of from one hundred to one thousand dollars, payable in twenty-five years from the date of issuing them, with coupons attached, and bearing interest at a rate not greater than six per cent. per annum, payable annually.

SEC. 2. That in case such election shall be ordered to be held by said Mayor and Commissioners as aforesaid, it shall be the duty of the chairman of the county election board to call a meeting of said board, and it shall be the duty of said board to provide for the establishment of election precincts and the registration of voters, and to appoint registrars, as in case of county elections, election of members of the General Assembly and of State officers, and it shall be clothed with all the powers given to it as to the conduct of such election, and the two judges of election and the registrar, appointed by said board for each of said precincts in said town, shall make returns through one of their number, appointed for the purpose by them, of the votes cast at such election, who with the Commissioners of said town, or a majority of them, shall meet at the court-house in said town on the next day, not being Sunday, after such election and ascertain, determine and publicly announce the result of said election.

SEC. 3. That the said bonds, if authorized to be issue by a majority of the registered or qualified voters of said town, shall be in such form as may be determined by the said Mayor and Commissioners, and shall be signed by the Mayor and countersigned by the secretary of the Board of Commissioners and attested by the seal of said town.

SEC. 4. That the Mayor and Commissioners of said town shall be empowered, and it shall be their duty, from year to year, to levy a special tax upon all the taxable property of said town, sufficient to pay the interest on such bonds so issued, and to provide a sinking fund to meet the principal of said bonds at maturity.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 351.

## AN ACT TO CHANGE CALLS OF STATE GRANT No. 563.

*The General Assembly of North Carolina do enact:*

Call in State grant  
563 changed.

SECTION 1. That the third call in State grant No. 563 to Moses Butler, in Transylvania county, be and the same is hereby changed so as to read: "then south 20 degrees east," whereas it now reads "then south 20 degrees west."

Not in bar of  
vested rights.

SEC. 2. That this act shall not be construed to interfere with any rights that may have vested since the issuance of grant.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 352.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF MURPHY.

*The General Assembly of North Carolina do enact:*

Board of commis-  
sioners authorized  
to issue bonds.

SECTION 1. That the Board of Commissioners of the town of Murphy are hereby authorized and empowered to issue from time to time, to an amount not exceeding thirty thousand dollars, bonds in the name of the town of Murphy, in such denomination and form and payable at such place and time, running for thirty years and bearing interest at no greater rate than six per centum per annum, payable annually or semi-annually, as said Board of Commissioners may determine.

Interest on bonds.

Issuance of bonds  
to be voted on.

SEC. 2. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such time or times and under such regulations as the Board of Commissioners may prescribe, at which election those favoring the issue of bonds shall vote "Issue" and those opposing it shall vote "No Issue." The Board of Commissioners shall provide a special registration of the qualified voters of said town to be made for said election.

Ballot prescribed.

Special registra-  
tion.

To be sold at or  
above par.

SEC. 3. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value.

To be used for  
public improve-  
ment.

SEC. 4. That the money arising from the sale of these bonds shall be used for public improvements in the said town of Murphy.

SEC. 5. That the Board of Commissioners of the town of Murphy



is hereby authorized and empowered to provide a suitable water supply for said town either by erecting water-works or by contracting with other persons or corporations to provide a proper system of sewerage for said town, and to make all such other public improvements as the health of the citizens and the safety of property may require.

SEC. 6. That said bonds and their coupons shall be receivable in payment of said town taxes for any fiscal year in which they fall due or thereafter; and if the holder of any of said bonds shall fail to present the same at the time and place therein named he shall not be entitled to more than fifteen days' interest thereon for the time they have been outstanding after maturity.

SEC. 7. That the coupons annexed to said bonds shall represent the interest, and for the purpose of paying off, taking up and cancelling the said coupons on any and all bonds issued by said town as the same shall become due, it shall be the duty of the Board of Commissioners, and they are hereby empowered to levy and collect each and every year for the first ten years from the date of the issue of said bonds a sufficient special tax upon all subjects of taxation which may now or hereafter be embraced in the subjects of taxation under the charter of said town and all amendments thereto, and for each and every year for the succeeding twenty years to levy and collect upon all said subjects of taxation the said special tax for the purpose of paying off, taking up and cancelling said coupons; and in addition thereto to levy and collect for each and every year during said twenty years a sufficient special tax upon all said subjects of taxation to raise an amount equal to five per centum of the principal of said bonds, which shall be applied to a sinking fund to pay off and discharge said bonds upon their maturity; and all of said taxes when collected shall, at all times, be kept separate and distinct.

SEC. 8. That the special taxes levied and collected for the sinking fund above provided for shall be paid to such person as the Board of Commissioners of said town shall direct, who shall be styled "Commissioner of the Sinking Fund of the Town of Murphy," and who shall give such bond or bonds as shall be required of him by the Board of Commissioners and under such rules and regulations as said Commissioners shall from time to time prescribe; he shall make investments of the said sinking fund, and shall do and perform all such other service as the Board of Commissioners may require of him, for which he may receive such compensation as said Commissioners may allow.

SEC. 9. That said bonds shall be issued under and by direction of said Board of Commissioners, a record of which shall be made by the clerk thereof; and the said bonds and the coupons thereon shall be dated, numbered and signed by the Mayor, and sealed with the cor-

Commissioners authorized to provide water supply.

Bonds or coupons receivable for taxes.

Interest after maturity.

Coupons.

Tax to be levied for payment of coupons.

sinking fund.

Taxes to be kept separate

To whom paid.

To invest sinking fund.

Compensation to be allowed.

How issued.

Manner of execution of bonds.	porate seal, and countersigned by the town Treasurer, who shall receive the money resulting from the sale thereof. It shall be the duty of the Mayor and Treasurer each to keep a book suitable for the purpose, wherein they shall enter the number of bonds sold, the amount and date thereof, and to whom issued, and in addition the Treasurer shall enter in the book kept by him the amount of bonds
Record to be kept.	and coupons received and cancelled by him, the number and dates thereof and from whom received; and for the faithful performance of his duties under this act the Treasurer shall give bond, with good and sufficient sureties, in amount and form as may be prescribed by said Board of Commissioners.
Water sources may be acquired.	SEC. 10. That the said Board of Commissioners may acquire by gift or grant lands or easements thereon or rights of way over the same or the right to use springs, branches or water-courses for the purpose of erecting and operating water-works, sewers, etc., or of conducting water to or conveying sewage from said town.
The right of eminent domain.	SEC. 11. If said Board of Commissioners cannot agree with the owners upon a price for the lands and rights above named they shall have the right to have the same condemned and compensation fixed therefor, by filing a petition in the Superior Court of Cherokee county (meaning the clerk) against the owners of the land, making them parties, as prescribed in The Code, and setting forth all the facts, describing as near as may be the lands, rights and easements necessary to be condemned, and making the summons returnable in not less than twenty days, and asking that said land, rights and easements may be condemned and compensation assessed. On the coming in of the answer or demurrer, or on failure of the parties to answer or demur, the clerk shall appoint three disinterested freeholders as commissioners to view the said land and to condemn the same and assess the damages and report fully to the clerk, describing the land by metes and bounds and the easements allowed, as near as possible: <i>Provided</i> , that the parties have five days' notice of the time and place of the meeting of the commissioners; and it shall be sufficient to serve the same on the parties or their attorneys. The
Manner of condemnation.	Commissioners before acting shall be sworn by some officer authorized to administer oaths to discharge their duties faithfully and honestly between the parties. They may hear witnesses, who shall also be sworn according to law. The report of the freeholders or a majority of them, unless good cause be shown on exception thereto, shall be confirmed and recorded by the clerk and judgment rendered accordingly, from which judgment either party may appeal to the Superior Court under like rules as in other cases: <i>Provided</i> , that no appeal shall be taken from an interlocutory order in the cause. The final judgment given by the court, if it shall condemn lands or other rights, shall, on payment of the compensations fixed, either to the parties or to the clerk for them, have the force and effect of a deed
Proviso.	
Commissioners to be sworn.	
Evidence may be adduced.	
Appeal, etc.	

or grant for an easement only in conveying to or vesting said lands and rights in said Board of Commissioners.

SEC. 12. That at the first regular meeting of said Board of Town Board of assessors, Commissioners in the month of April, in the year 1901, and every two years thereafter, the Board of Commissioners shall appoint three freeholders, residents of the town of Murphy, as a board of assessors of the real property situate within the corporate limits of said town. The assessors shall ascertain the true value in money of every lot Duties of the board. and parcel of land in said town, with the buildings and improvements thereon, and assess the same in accordance with such valuation in like manner as the board of township assessors assess real estate for taxation for State and county taxes. Said assessors shall meet on the first Thursday in May and assess the real property located Date for meeting. in said town, and for the purpose of ascertaining the value of the same shall have like powers to administer oaths and do other things as are given to township assessors. And said assessments when made Assessment good for two years. shall be in force for two years.

SEC. 13. That the Board of Commissioners of said town shall Commissioners to hear complaint and grant relief. meet on the first Thursday in July after the assessment of real property, to hear complaints and give relief in cases of excessive valuation, in the same manner and with like procedure and powers as by law are given to the Board of County Commissioners in excessive valuation of property for taxation for State and county purposes.

SEC. 14. That section 5 of chapter 140 of the Private Laws of Section 5, chapter 140, Private Laws 1893, repealed. 1893 be and the same is hereby repealed.

SEC. 15. That all laws and parts of laws in conflict with this act Conflicting laws repealed. are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 353.

#### AN ACT TO AMEND CHAPTER 287 OF THE PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 1 of chapter two hundred and thirty-seven of the Private Laws of 1899 be amended as follows: after the fourth word in the second line of said section insert J. F. Hodges, Jones Reid, John Texler and C. E. Correll.

SEC. 2. After the seventh word in second line of section 10, insert Section 10 amended.

the following: and all the meetings of the stockholders and directors shall be held at that place.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

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#### CHAPTER 354.

### AN ACT TO CHANGE THE NAME OF THE "CHATHAM, MOORE AND HARNETT BANK" TO "THE BANK OF SANFORD."

*The General Assembly of North Carolina do enact:*

The name of Chatham, Moore and Harnett Bank changed.

SECTION 1. That the corporate name of the "Chatham, Moore and Harnett Bank," heretofore incorporated under the provisions of chapter sixteen of The Code and amendments thereto, be and the same is hereby changed to "The Bank of Sanford," and under the said name the said "The Bank of Sanford" shall have all the rights, privileges and immunities conferred upon said corporation under its former name.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

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#### CHAPTER 355.

### AN ACT FOR THE RELIEF OF C. W. BOST.

*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. That whereas, C. W. Bost, of Cabarrus county, is the grantee under a certain deed executed by one William Pethel, formerly known as William Reed, to whom certain lands situate in Cabarrus county were conveyed by one James Reed and wife, Delila Reed, both of whom are dead, by a certain deed now in the possession of said C. W. Bost, which said deed has been duly acknowledged by said Delila Reed, the owner of said real estate, in her own right, said acknowledgment having been duly taken and certified by the Clerk of the Superior Court for Cabarrus county; and, whereas, said James Reed is dead and the subscribing witness, J. M. Long, the attorney who drew said deed, is also dead; therefore, the Clerk of the Superior Court of Cabarrus county is hereby authorized, empowered and directed upon satisfactory proof of the handwriting of said J. M. Long,

the subscribing witness to said deed, to order the registration of said deed as to both James and Delila Reed.

SEC. 2. That upon satisfactory proof before said clerk that William Pethel, the grantor in said deed to C. W. Bost, is the same person described as William Reed and was formerly known and designated by the name of William Reed, the said Clerk of the Superior Court for Cabarrus county shall issue a certificate of his finding of fact as to the identity of said William Reed, and shall order said certificate registered in the office of the Register of Deeds for Cabarrus county.

Upon satisfactory  
proof clerk to  
issue statement.  
  
Certificate to be  
registered.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 356.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROCKY MOUNT, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter one hundred and eighty-eight, Private Laws of eighteen hundred and ninety-nine, be amended by inserting after the word "sixteen" and before the word "laws," in the second line of said section, the word "private."

Section 1, chapter  
188, Private Laws  
1899, amended.

SEC. 2. That section two, chapter one hundred and eighty-eight, Private Laws of eighteen hundred and ninety-nine, be amended by striking out the word "then" in the last line of said section and inserting in lieu thereof the word "then."

Section 2, chapter  
188, Private Laws  
1899, amended.

SEC. 3. That section three, chapter one hundred and eighty-eight, Private Laws of eighteen hundred and ninety-nine, be amended by striking out the words "forty-eight," in the first line thereof, and inserting in lieu thereof the words "one hundred and forty-eight," and that said section be further amended by striking out the words "ninety-nine," in the second line thereof, and inserting in lieu thereof the words "ninety-seven," and that said section be further amended by adding after the word "line" and before the word "the" in the last line of said section the word "nine": *Provided*, that at the town election to be held in May, 1903, and annually thereafter, the Mayor shall be elected by the popular vote of the town of Rocky Mount.

Section 3, chapter  
188, Private Laws  
1899, amended.

SEC. 4. That section one, chapter one hundred and forty-eight, Private Laws of eighteen hundred and ninety-seven, to be amended by adding after the word "wards" and before the word "shall," in the sixth line of said section, the words "except the fifth ward," and that

Section 1, chapter  
148, Private Laws  
1897, amended.

said section be further amended by striking out the word "a" after the word "elect" and before the word "town" in the sixth line of said section, and inserting in lieu thereof the word "two"; and that said section be further amended by striking out the word "commissioner," in the sixth line of said section, and inserting in lieu thereof the word "commissioners"; and that said section be further amended by adding at the end of the sixth line thereof the following: "at the town election in May, 1901, one of whom shall be elected for one year, and one for two years, and annually thereafter at the town election in May, each of said four wards shall elect one Town Commissioner for a term of two years, and the fifth ward shall at the town election in May, 1901, and annually thereafter at the town election in May, elect one Town Commissioner for a term of one year."

Section 14, chapter 316, Private Laws 1891, amended.

SEC. 5. That section fourteen, chapter three hundred and sixteen, Private Laws of eighteen hundred and ninety-one, be amended by adding after the word "present" and before the word "dogs," in the first line of said section, the words "geese, chickens and all other fowls and."

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 357.

#### AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM.

*The General Assembly of North Carolina do enact:*

Section 3, chapter 235, Private Laws 1899, amended. Proviso.

SECTION 1. That section three (3) of chapter 235 of the Private Laws of 1899 be and the same is hereby amended by adding thereto the following, to-wit: *Provided, however,* that any person who shall have resided for ninety days next preceding the first Monday in May, 1901, within the limits fixed by an act entitled "An act to amend the charter of Durham," and ratified on the first day of March, 1901, shall be entitled to vote at any election that may be held in the city of Durham for any purpose on the said first Monday in May, one thousand nine hundred and one, or at any date thereafter if such person be otherwise qualified under the laws and Constitution of the State of North Carolina.

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

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 358.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF KITTRELL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Kittrell, Vance county, be and the same is hereby amended so as to increase and extend the corporate limits of the said town as follows: Beginning at an old gate-post, O. W. Blacknall's corner, on the south side of the town of Kittrell and on the west side of Williams street, running south along west side of Williams street 210 feet; thence east and across Williams street 244 feet to R. U. Person's corner; thence along R. U. Person's line north 210 feet to the southern limits of the said town of Kittrell; thence along the southern limits of said town as now laid out 244 feet to the place of beginning, so as to include in the said corporate limits the lot now owned by R. U. Person, and whereon he now resides, and the section of the street in front of said lot. Charter amended.  
Corporate limits enlarged.  
Lines and boundaries.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 359.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF GRIFTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the town of Grifton, in Pitt county, is hereby amended so as to permit the Board of Commissioners of said town to increase the license tax on liquor dealers to an amount not to exceed one hundred dollars. Charter amended.  
Liquor license increased.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 360.

AN ACT TO INCORPORATE THE NORTH STATE  
MINING COMPANY.*The General Assembly of North Carolina do enact:*

Incorporators.	SECTION 1. That Milton L. Jones, Arthur Jones, Joseph Beck, J. Reese Blair, their associates, successors and assigns be and they are hereby created a body corporate and politic by the name, style and
Style of company.	title of "North State Mining Company," and by that name and title shall be known, and may exercise and enjoy all the privileges, franchises and immunities incident to a corporation; may sue and be
Powers and privileges.	sued, plead and be impleaded, complain and defend in all courts of law and equity of record or otherwise in this State or elsewhere; may purchase property, real, personal and mixed, of what kind and
Object.	quality soever; may contract, build and erect such buildings, structures, works and improvements, public or private, thereon as may be deemed proper, and may use, manage and maintain same; may sell, convey, mortgage, transfer, grant, lease, sublease and dispose of any portion or the whole of their property at such prices and on such terms as may be deemed proper; may execute and enjoy the privileges granted and defined in the further section of this act, and also make and have a common seal and the same to alter and renew at pleasure; and adopt such by-laws as may be necessary for the government of said company and for the carrying on of any business, the same not being contrary to the Constitution and laws of this State, and generally may do all things appertaining to a company designed to aid in the development and the improvement of the country.
Powers and privileges.	SEC. 2. That said corporation shall have all the powers and privileges proper, convenient or necessary for the purpose of mining, smelting, prospecting, exploring and manufacturing, buying and
Object.	selling all kinds of ores, minerals, stones and chemicals; may carry on and conduct any mercantile or manufacturing business which is not forbidden by the laws of this State, and may use all the privileges and powers incident to mining, smelting and working all minerals, ores, metals, stones and earth, to reduce the same; and may erect such mills, buildings, machine shop, dwellings and houses
May hold property.	and other works and structures as may be requisite or necessary to carry on such kinds or branches of industry as this act may provide for; to acquire and own mines and mining lands and rights of entrance to and outlets from the same; to lay out, construct and
Build roads.	operate such roads, tram-roads or railroads as may be necessary or convenient for the transportation of the product of their mines or for the transaction of their business, the said roads to extend from



the lands of said company to any point on the line of any railroad or water-course. The said company hereby incorporated may operate the said roads, tram-roads or railroads, charging tolls for the transportation of freight and passengers according to such rates as may be fixed by any law or regulation of this State.

SEC. 3. That for the purpose of locating and constructing its road or roads, as hereinbefore provided, the said company shall have the power and right to acquire land and other property or privileges, as provided by chapter forty-nine (49) of The Code; and shall have all the rights, powers and privileges granted in said chapter to railroad corporations, and shall be subject to all the provisions of the said chapter, and except such as are inconsistent with the provisions of this act.

Shall have power granted by chapter 49 of Code.

SEC. 4. That the said company or corporation shall exist for ninety-nine years, and may change its corporate name and use any other selected and authorized by resolution of its stockholders, which change of name shall be advertised in some newspaper published in the county wherein the said company may have its principal office or place of business.

Duration of charter.

Place of business.

SEC. 5. That the said company is hereby authorized to subscribe to the capital stock of any other corporation or company, and any other corporation or company is authorized to subscribe to its capital stock. And said company shall have power to contract with companies, corporations and other parties in the construction, building and equipment of works and improvements, public or private, of whatever kind, at such prices and on such terms as may be agreed upon by the parties respectively, and may purchase, lease, use, maintain and sublease the same, and may also co-operate and unite with any other corporation or company in so doing; and may consolidate or unite with the said company or the improvements, property and franchises of any water company or companies on such terms and conditions as the said company may agree upon; and to fix and regulate all charges in maintaining and carrying on the business of their works and improvements of whatever kind and of those under their control.

Authority given to subscribe to stock of other corporations.

Power to contract.

May purchase, lease, etc.

SEC. 6. The said company shall have the power to issue certificates of stock from time to time, the par value of the shares of which to be not less than five dollars each, representing the property and business of the company, which stock may be sold at the par value of the shares thereof, or at such prices and on such terms as the directors may deem best, and be declared fully paid and not liable to further calls. The corporation named in the first section of the act may open books of subscription, and whenever twenty-five thousand dollars of the stock has been subscribed and five per centum thereon actually paid in, organize the said company by the election of not more than nine and not less than three directors of said com-

Issuance of stock.

Amount.

Subscription.

Quorum. Directors.	pany, of whom three shall be a quorum. And no person shall be a director of the said company unless he is the holder of at least twenty shares of the stock of the company. That thereafter the annual general meeting of the shareholders of the company for the election of directors and other general purposes shall be held at such place and on such day and upon such notice as may be provided for by the by-laws of the company. And may choose out of the list of directors a president, one or more vice-presidents, a secretary and treasurer, and may also elect or appoint such other officers and agents as the business of the company may require, the directors and officers to hold their positions until their successors shall have been chosen in accordance with the by-laws of the company, but in no event shall the existence of the company be in anywise effected or be dissolved by reason of a failure to elect officers. That at all general meetings of the company every shareholder shall be entitled to as many votes as he holds shares in the company and may vote in person or by proxy. Election of directors shall be by ballot; vacancies occurring in the board of directors may be filled by the board from among the qualified shareholders of the company. The capital stock of the said
Shareholders' meeting.	company may be increased from time to time at the discretion of the stockholders to any amount not to exceed one million dollars.
Officers.	SEC. 7. The said company may borrow money from time to time upon a pledge of their property, or without such pledge, and may create, execute and deliver mortgages, deeds of trust, and also bonds, with or without coupons, at the legal rate of interest of the State, and may sell the same at such prices and on such terms as may be deemed proper by the board of directors, and may also hypothecate the same in transaction between the company and individuals and corporations.
How chosen	SEC. 8. The said company shall have an office at its mine near Candor, North Carolina, and may have a general office or offices elsewhere.
Not to exceed one million dollars.	SEC. 9. The shareholders or stockholders of the company, as such, shall not be individually or personally liable or responsible for any act or liability of the company or for any engagement, debt, claim, payment, loss, injury, transaction, matters or things whatsoever relating to or connected with the company.
Negotiate loans.	SEC. 10. That the company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive in respect of any share, and the receipt of the stockholder in whose name the same stands in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such a receipt.
Location of offices.	SEC. 11. That every person who pledges his stock may never-
Not liable individually.	
Company not bound to see execution of any trust.	

theless represent the same at all meetings of the company and may vote said stock as if it had not been pledged. Pledged stock, how represented.

SEC. 12. A copy of any by-law of the company, under its seal and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts in North Carolina. When a by-law evidence.

SEC. 13. The said company is hereby authorized to create and convert such portion of its capital stock, from time to time, as the board of directors may desire, into a preferred stock, and to issue and appropriate the same to such special purposes as may be deemed proper, which preferred stock, as well as the common stock heretofore authorized to be created, shall be subject to such rules, regulations and conditions as may be prescribed by the board of directors, and may be sold as authorized in section six of this act. And may use the funds arising from the sale of such preferred stock or common stock or bonds in the purchase of lands, mines, machinery or other articles of value and in the development of its property in such manner as the board of directors may prescribe; that the stock in this company may be paid for in lands, minerals, machinery, bonds or other articles of value, as the by-laws provide. Preferred stock. How regulated

SEC. 14. That said corporation shall have five years' time in which to organize or begin to run and operate all or any of the works or business herein mentioned. Time granted in which to organize.

SEC. 15. All laws or clauses of laws in conflict with this act are hereby declared inoperative as regards it. Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this 11th day of March, A. D. 1901.

#### CHAPTER 361.

#### AN ACT TO ESTABLISH A GRADED SCHOOL AT SANFORD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following described territory in Sanford township, Moore county, viz.: Beginning at the intersection of D. H. Melver's and Weatherspoon's line with right of way of the Southern Railway, running thence with said line eastward to said D. H. Melver's corner in the McQueen road; thence with another of his lines northward with said road to another of his corners beside said road near Mrs. Bettie Melver's dwelling; thence with another of his lines westward to another of his corners southwest of Mrs. Bettie Melver's dwelling; thence with his and Gunter's line northward to Territory affected. Boundaries.

their corner, west of the McQueen road; thence east to a stake beside said road near the southeast corner of a corn field on the west side of said road, a little red oak pointer; thence with said road to the stock-law fence near G. W. Temple's residence; thence with said fence around to the west side of Temple's residence to an old lightwood stump beside the fence, hickory pointer; thence east, crossing said road (the McQueen road) at the corner of Temple's fence, on the side of same, passing near two small persimmon trees to a red oak on the east side of the road running from Sanford to Colon by the way of Turner's Chapel, two pine pointers; thence with said road southward to a little cedar on the east side of said road by M. E. Wicker's fence, white oak, gum and little plum bush pointer; thence south 70 degrees east, passing east of said Wicker's house to an old lightwood stump on the east side of the Jonesboro road; thence as the Jonesboro road southward to its intersection with the Kelly Mill road; thence with the Kelly Mill road to Mrs. F. J. Burk's northwest corner in Miss Clow's line; thence as Miss Clow's line in a southwesterly direction to a large pine, Clow, Johnson and McNeill's corner; thence as the line between Johnson and McNeill and Ray to Ray and Johnson's corner; thence as their line southward to their other corner; thence east to the Jonesboro road; thence as said road southward to where Ray and Harrington's line crosses the same to a little persimmon tree on west side of said road; thence with Ray's line westward to Harrington's and Acree's corner in Ray's line; thence north 88 degrees west to W. A. Monroe and Bryan's corner; thence with their line and beyond Monroe's other corner, beside the A. C. L. Railroad, south 62 degrees west to the Jonesboro and Sanford road; thence northward with said road to Bryan and Allcott's corner, by a large red oak; thence west to a pine blazed on the Allcott land, four pine pointers; thence north 41 degrees west to the southwest corner of the Sanford Furniture Manufacturing Company's land; thence running around on the west side of their land with their various lines to W. H. Watson and Bethea Tysor's corner, in said company's line; thence running eastward; thence with Watson and Tysor's line to Watson's corner in Tysor's line; thence with Watson's line to the right of way to the A. C. L. Railroad; thence with said right of way to a stake on same, nearly in front of colored Baptist church; thence north 54 degrees east, crossing said railroad and running with W. T. Buchanan's line on the north side of his land to Little Buffalo creek; thence north 16 degrees east to J. D. Mann's southeast corner on Market street; thence as his line westward and passing his corner to Little Buffalo creek; thence up the various courses of said Little Buffalo creek to a stake in the same; thence south 72 degrees west, passing between Sam Brewer's house and the jewelry store belonging to the Sanford Sash and Blind Company to a stake on the right of way of A. C. L.

Railroad on the east side of said road; thence with said right of way southward to a stake on the same; thence south 54 degrees west to a stake on the right of way of S. A. L. Railway east side; thence southward with same to a stake on same; thence south 97 degrees west, crossing said railroad and running with Moffitt Bros.' line on south side of their land to their southwest corner; thence with their line northward to another of their corners; thence north 39 degrees west, crossing Wicker street to a stake in Davis' line; thence south 55 degrees west to a stake and pointers on Scott's land; thence north 25 degrees west to a stake in Currie's line; thence as his line eastward to another stake with post oak pointers; thence north 25 degrees west to stake by a pile of rock in the Clement-Ross Manufacturing Company's line on southwest side of their land; thence with their line westward to their southwest corner; thence due west to A. P. McPherson's line on the west side of his land; thence with his line northward and eastward to McPherson and Weatherspoon's corner; thence southward with their line to a small house belonging to A. P. McPherson just north of Clement-Ross Manufacturing Company's land; thence due east to right of way of Southern Railroad; thence northward with said right of way to the beginning, shall be and is hereby constituted the Sanford Graded School District.

SEC. 2. That the Board of County Commissioners of Moore county are hereby required to submit to the qualified registered voters of said territory, when petitioned so to do by one-fifth of the qualified voters of said territory, the question whether an annual tax shall be levied therein for the support of a graded public school, giving instructions free in such grades and branches as now prescribed in the general law for general public schools. Each voter who shall favor levying and collecting the tax herein provided for shall vote a written or printed ballot with the words "For Schools" thereon, and each voter who shall oppose levying and collecting the tax herein provided for shall vote a written or printed ballot with the words "No Schools" thereon. For the purpose of holding said election the said Board of County Commissioners shall appoint a registrar for said election and two judges of election, and designate a polling place in said district. The registrar and judges of election shall within two days after said election certify the result thereof to the Board of County Commissioners, who shall at their next regular meeting declare the result of the election. In all other respects the law governing said election shall be that provided by the general laws of the State.

One-fifth petitioners, Commissioners required to submit question to voters.

Style of ballot.

Election officers.

Result, how declared.

SEC. 3. That in the event a majority of said voters shall vote "For Schools" the following named persons shall constitute a board of trustees of said Sanford Graded School District, viz.: E. G. Moffitt, G. W. Temple and A. L. McNeill for two years from the first Monday in May, 1901; B. Cole, J. B. King and D. E. McIver for four years from the first Monday in May, 1901; J. K. Perry, T. L. Chisolm and

Board of trustees, how constituted.

Vacancy, how filled.	W. A. Monroe for six years from the first Monday in May, 1901.
The board a body politic.	The said board of trustees shall elect their successors as their terms expire, and such successors shall be elected for the term of six years.
Powers enumerated.	Any vacancy by death or resignation shall be filled for the unexpired part of such term by the remaining trustees. The said board of trustees are hereby declared to be a body politic and corporate, and by such name may be sued and may sue, prosecute and defend in any court of this State; may have and hold real estate and personal property by gift, grant or deed or otherwise, and convey, sell and dispose of the same when they shall deem it to be to the best interest of said school so to do. They shall have absolute control of said school, its management and conduct, and shall have any other power pertaining to like corporations.
Tax to be levied and collected.	SEC. 4. That upon the recommendation of said board of trustees the Board of County Commissioners of Moore county shall levy and cause to be collected such an amount of tax so recommended, not exceeding thirty cents on the one hundred dollars worth of real estate and personal property and ninety cents on the poll each year. The taxes levied shall be collected by the sheriff of Moore county, under the same laws and penalties as for the collection of State and county taxes, and he shall pay over the money so collected to the treasurer of the Sanford Graded School District.
Money, to whom paid.	
Treasurer to be elected annually.	SEC. 5. The said board of trustees shall elect a treasurer for said Sanford Graded School District annually, and shall fix his compensation and prescribe the amount of his bond, which bond shall be approved by the Board of County Commissioners of Moore county and recorded as other official bonds.
Tuition fees.	SEC. 6. The said board of trustees shall have power to establish a schedule of tuition fees for such branches as are not taught under the general school law, and for persons who are non-residents in said district. Such fees shall be paid to the treasurer of said district, and by him placed in the general fund of said district.
Non-residents.	
Annual statement.	SEC. 7. The treasurer of the district shall make an annual statement, itemized, of all receipts and disbursements, and he shall make no disbursements except by the order of said board of trustees.
School age of children.	SEC. 8. Said graded school shall be for children between the ages of six and twenty-one years residing in said district.
Money, to whom paid and how applied.	SEC. 9. That the public school money which shall be collected on the property and polls from time to time under the general school law for public school purposes in said district shall be paid to the treasurer of said district, and by him applied under the order and direction of said board of trustees.
Conflicting laws repealed.	SEC. 10. All laws and clauses of law in conflict with this act are hereby repealed.
	SEC. 11. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 362.

AN ACT TO DECLARE THE EAST CAROLINA RAILWAY A  
DULY INCORPORATED COMPANY AND TO AMEND AND  
ENLARGE ITS CHARTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the East Carolina Railway corporation, organized under the general laws of this State by articles of association filed in the office of the Secretary of State on the first day of July, one thousand eight hundred and ninety-nine, and the persons named in and who subscribed the said articles of association, to-wit: A. M. Fairley, H. C. Bridgers, B. F. Finney, Job Cobb, James Pender and others, and such other persons as are now or that may be hereafter associated with them as stockholders in said company, and their successors, are hereby declared a body politic and corporate under the afore-said name of the East Carolina Railway, for the purpose of constructing, maintaining and operating a railroad in this State, as hereinafter set forth; and by such name the said company may sue and be sued, plead and be impleaded, and shall have all the general powers and be subject to all the general restrictions, except as the same are modified by this charter, provided and imposed by the laws of this State that may have been heretofore or may hereafter be enacted by the General Assembly in regard to railroad corporations in this State.

SEC. 2. The said company shall have the right to continue the construction of its railroad as already begun from the town of Tarboro, Edgecombe county, to some point in the county of Greene, Pitt, Craven or Lenoir. And the said company shall have the right to construct and operate branches or lateral roads from any point on its main line, not exceeding twenty miles in length.

SEC. 3. For the purposes of conducting the said road and its branches said company shall have the right to acquire the land necessary for the right of way thereof, not to exceed one hundred and twenty feet in width, except that in deep cuts and fills, as much more land as may be reasonably necessary therefor may also be acquired in and through any of the counties aforesaid.

SEC. 4. That in constructing said railroad the said company, its agents and servants, may enter upon any land, make survey and lay out its route, and construct its railroad, save and except that the said company shall not construct its said railroad through any graveyard, and when it uses any portion of a highway it shall leave the same in as good condition and as passable for the use of the public as it was before it was entered upon. If the president and directors of said company cannot agree upon the terms of purchase with those

Eminent domain.	entitled thereto, for any lands wanted for the purposes of the company, the said East Carolina Railway may proceed to the condemnation of so much land as it is required for railroad and depot purposes in the manner prescribed by the general laws for such purposes.
Capital stock discretionary.	SEC. 5. The capital stock of the said company may be fixed by the board of directors at any sum not less than fifty thousand dollars, and may be increased from time to time as the law allows, and is to be divided into shares of one hundred dollars each.
May be increased.	
Regulations.	SEC. 6. The said company may have and make such by-laws, rules and regulations for its government as may have been heretofore or may hereafter be adopted: <i>Provided</i> , the same are not inconsistent with the laws of this State or of the United States.
Proviso.	
Powers of said company to borrow money.	SEC. 7. The said company shall have the right to borrow money and to make, issue, negotiate and sell its bonds, either coupon or registered, in such sums and to such amount as the directors may see fit, and to secure the payment of the same, principal and interest, to be secured by mortgages or deeds in trust on the property, estate, rights and franchises of the company, on such terms and to such trustee or trustees as the directors may think proper.
How paid.	
	SEC. 9. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

CHAPTER 363.

AN ACT TO INCORPORATE THE CLAYTON BANKING COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That Ashley Horne, D. H. McCullers, A. J. Barbour, N. A. Barnes, J. T. Ellington and C. M. Thomas, 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 Clayton Banking Company," and shall so continue for a period of sixty years, with capacity to take, hold and convey real and personal property, with the rights, powers and privileges incident or belonging to corporations, set forth and referred to in the first, second and third sections of chapter 16, volume 1 of The Code, entitled "Corporations."
Corporate name.	
Duration.	
Powers.	
Chapter 16 of Code.	
Capital stock.	SEC. 2. The capital stock of said bank shall not be less than ten thousand dollars, in shares of one hundred dollars and fifty dollars each, or either and both, and fractions thereof. And such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding five hundred thousand dollars.
Shares.	



SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such period or periods as they shall determine.

SEC. 4. Whenever ten thousand dollars is subscribed for the said corporators, or any three of them, may call a meeting of the stockholders in the town of Clayton at the office of the Clayton Banking Company, and they may proceed to adopt such by-laws and regulations for the government of the bank as they please, not inconsistent with the laws of this State nor of this act, and may elect such board of directors, not less than five, as they may deem necessary, to serve for one year or until their successors may have been chosen, or for such terms as they may prescribe. An interest in the present private partnership known as "The Clayton Banking Company," may be exchanged for a like interest in the corporation chartered by this act; and persons holding stock in the partnership known as "The Clayton Banking Company" may exchange their interest for stock in this corporation, upon such terms as may be mutually agreed upon by the directors of this corporation and the partners composing the partnership aforesaid: *Provided, however,* that stock in the corporation shall not be issued to a greater amount than the par value of stock in the partnership aforesaid.

SEC. 5. The directors shall elect one of their number to be president, and shall appoint a cashier and such officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors during the continuance in office of said directors; and the directors shall prescribe their duties and may take from them bonds with security for the faithful discharge of their duty, and may fix their compensation.

SEC. 6. The said board of directors may adopt and use a seal, and may break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the laws of the State on banks and corporations, especially those set forth in chapter four, volume two of The Code; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State as to the rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property, or both, or upon liens upon crops, planted or unplanted; may buy, build or lease a banking-house or houses, and may sell and exchange the same at pleasure; may negotiate loans on mortgages on real and personal estate at a rate of interest not exceeding the legal rate, and they shall direct when dividends of profit shall be made and declared.

SEC. 7. That if any subscriber shall fail to pay for his stock or

Failure to pay amount subscribed.	any part thereof as 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 Clayton, after advertisement of such sale for thirty days in some newspaper published in Johnston county, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.
Power to sell delinquent stockholder's shares.	
Advertisement.	
Subscriber's liability.	
To carry on business of warehousemen.	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 on merchandise and produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money and take legal liens for all such advances, and to collect and receive interest and commissions, compensation for storage and all labor incident thereto. All advances made by said corporation on property received for storage or deposits and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.
To advance money on deposits.	
Lien on property stored.	
Married women, minors, etc.	SEC. 9. That when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specifically 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 woman, minor or apprentice shall be bound by such individual check or order, and said check or order will be a valid and sufficient release to said corporation against such married woman, minor or apprentice, and all other persons whatsoever.
How business conducted in regard to same.	
Right to act as agent.	SEC. 10. That said corporation shall have the right to act as agent, factor, assignee or trustee for any State, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of, on account of any State, county, township, town, municipality, corporation, company or individual, and bonds, certificates of stock, notes or any description of property, real or personal, or for indorsing or guaranteeing the payment of said bonds, certificates of stock, notes, etc., and generally for managing such business and for doing any or all of the matters and things authorized by this charter. Said corporation may charge such premiums, commissions or rate of compensation as may be agreed upon.
General business to be conducted in this capacity.	

SEC. 11. The bank is authorized to organize in connection with its <sup>Savings depart-</sup> general banking business a department for savings, and do a savings <sup>ment in connec-</sup> bank business for the convenience of small depositors, and to make <sup>tion with general</sup> such regulations in regard thereto, not inconsistent with the laws <sup>business</sup> of the State, as will enable said bank to receive small deposits in the savings department, and to give certificates, or other evidences of a deposit, and to pay and to charge such interest as may be agreed on: *Provided*, the same does not exceed the legal rate of interest, <sup>Proviso.</sup> and to regulate the time of payment and notice of demand.

SEC. 12. No stockholder shall be in anywise individually liable or <sup>Exemption from</sup> responsible for any debts, obligations, contracts or engagements of <sup>individual</sup> said bank, except that the president and directors of said corporation <sup>liability</sup> being stockholders shall be liable for fraud, as prescribed in section <sup>Liability for fraud.</sup> six hundred and eighty-six, chapter sixteen of volume 1 of The <sup>Chapter 16 of Code.</sup> Code of North Carolina.

SEC. 13. That said bank shall be located at Clayton, North <sup>Location</sup> Carolina.

SEC. 14. That each stockholder shall be entitled in all meetings of <sup>Shares, how</sup> stockholders to cast one vote for each share of stock of the par value <sup>voted.</sup> of fifty dollars, and two votes for each share of stock of the par value of one hundred dollars, held by him or her.

SEC. 15. The said corporation shall have all such powers and <sup>Right to issue cir-</sup> rights to issue circulating notes, as currency, as any act hereafter <sup>culating medium.</sup> ratified shall confer upon similar banks in this State, and upon the same terms and conditions applicable to other banks.

SEC. 16. The powers and privileges granted herein shall not be <sup>No forfeiture for</sup> deemed forfeited by non-user: *Provided*, the corporation is organized <sup>non-user</sup> within five years from the date of the ratification of this act. <sup>Proviso.</sup>

SEC. 17. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 364.

### AN ACT TO REFUND CERTAIN BONDED INDEBTEDNESS OF THE TOWN OF TARBORO.

WHEREAS, the town of Tarboro owes, among others, certain coupon <sup>Preamble.</sup> bonds bearing interest at the rate of six per cent. per annum, payable semi-annually, and maturing in amounts of one thousand dollars on the first days of July, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, aggregating fourteen thousand dollars; AND WHEREAS, there is a provision in the act entitled "An act to revise and consolidate the charter of the town

of Tarboro," chapter 195, Private Laws of 1889, sections 30, 31 and 32, under which said bonds were issued, making them redeemable at the pleasure of said town at the expiration of any year, and the said town of Tarboro, through its proper officers, is desirous of redeeming said bonds; AND WHEREAS, the said town of Tarboro being desirous of refunding aforesaid bonds, or such part thereof as they may lawfully effect by exchange or otherwise; now, therefore,

*The General Assembly of North Carolina do enact :*

Town commissioners to issue bonds.

SECTION 1. That for the purpose of paying and redeeming aforesaid bonds of the town of Tarboro, the Board of Commissioners of the town of Tarboro are authorized and empowered to issue coupon bonds bearing interest, payable semi-annually, at a rate not to exceed five per cent. per annum, to an amount not to exceed fourteen thousand dollars, of denominations to be fixed by said Board of Commissioners, and running for a period or periods of years, not exceeding twenty, and payable at such place or places as said board may designate; and to sell said bonds or part or parts thereof, after public advertisement, on the best terms obtainable, but at not less than par.

Amount and denomination of same.  
Duration.

How sold.

Exempt from tax.

SEC. 2. Said bonds shall not be subject to taxation by the said town, for any purpose whatever, and the coupons from and after maturity shall be receivable in payment of any and all taxes or other indebtedness due the said town.

Receivable for taxes.

Executors, administrators, etc., authorized to invest.

SEC. 3. All executors, administrators, guardians, trustees and all other persons acting in a fiduciary capacity, including those who now hold or may hereafter hold any of the bonds of said town, are hereby fully authorized and empowered to exchange them at any time for the bonds issued under this act, or to invest their funds in the same.

Tax to be levied.

SEC. 4. That the corporate authorities of said town shall annually levy a tax upon the property of the citizens of said town, and upon the poll, and upon such property of non-residents, which may be situate in said town and subject to taxation, to provide for the payment of the interest that may accrue upon said bonds, and in like manner provide for the payment of the principal of said bonds at maturity.

Non-residents to be taxed.

Payment upon maturity.

Disposition of cancelled bonds.

SEC. 5. That whenever any of the bonds referred to in the preamble and section one of this act shall be paid or exchanged they shall be burned by the Clerk and Treasurer of said town in the presence of the Board of Commissioners.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

## CHAPTER 365.

AN ACT TO INCORPORATE THE TOWN OF MACCLESFIELD,  
EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Macclesfield, in the county of Edge- Corporation  
combe, be and the same is hereby incorporated by the name and effected.  
style of the "Town of Macclesfield," and shall be subject to all the Name.  
provisions of law of chapter 62, The Code, or other existing laws in Chapter 62 of Code.  
reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall extend from Corporate limits.  
the depot warehouse eastwardly to the line of the land of Joseph  
Cobb and wife: southwardly a distance equal to the distance of the  
line of the Webb land and the Cobb lands; westwardly a distance Calls.  
equal to the distance from the said warehouse to the line of Cobb and  
wife, and northwardly from the said warehouse 400 yards, making a  
parallelogram in shape.

SEC. 3. That the officers of said corporation shall consist of a officers.  
Mayor and four Commissioners, and a Marshal, and the following  
persons shall fill said offices until the first day of May, 1902, viz.:  
W. L. Foxhall, I. A. Lindsay, W. W. Windley and Henry Clark Present incum-  
Bridgers. bents.

SEC. 4. There shall be an election held for the offices mentioned Election, when  
in this act on the first Monday in May, 1902, and each succeeding year held.  
thereafter, under the same laws and restrictions that State and  
county elections are held. And all legal voters within said corpora-  
tion who have resided in the State twelve months and within the Voters, qualifica-  
corporate limits ninety days previous to the day of election shall be tions of.  
entitled to vote at said election.

SEC. 5. That said Commissioners shall have power to pass all by- Commissioners,  
laws, rules and regulations for the good government of the town, not powers of.  
inconsistent with the laws of the State or United States, and shall  
have power to levy and collect a tax on all subjects of State taxation, To levy taxes.  
not to exceed one dollar on the poll and thirty-three and one-third  
cents on the one hundred dollars valuation of property, real and  
personal, to impose fines and penalties and collect the same. They Fines and penal-  
shall also have power to appoint a clerk, treasurer or other officers ties.  
if they deem it necessary, and shall fix the pay of the officers of Clerk and treas-  
said town. nurer to be ap-  
pointed.

SEC. 6. That this act shall be in force from and after June When effective.  
1st, 1901.

In the General Assembly read three times, and ratified this the  
11th day of March, A. D. 1901.

## CHAPTER 366.

AN ACT TO AUTHORIZE THE TOWN OF LAURINBURG TO  
ISSUE BONDS TO BUILD AN ELECTRIC LIGHT PLANT.*The General Assembly of North Carolina do enact:*Commissioners  
authorized to issue  
bonds.

SECTION 1. That the Board of Commissioners for the town of Laurinburg, N. C., is hereby authorized and empowered to issue bonds in the name of the town of Laurinburg, and in such denominations and forms as it may determine to an amount not to exceed fifteen thousand dollars, payable at such times and such places as the said Board of Commissioners may determine and preserve: *Provided*, that the time of the payment of such bonds shall be not less than twenty and not more than forty years from their date.

Amount.

Proviso.

Interest.

Not to be sold for  
less than par.Manner of execu-  
tion.Exempt from  
town taxes.Receivable for  
taxes.

Power to collect.

Subject of taxa-  
tion.  
Proviso.Cancellation of.  
Record kept.Qualified voters to  
authorize issuance  
of bonds.

SEC. 2. That the said bonds shall bear interest at no greater rate than five per centum per annum; and the interest shall be made payable annually or semi-annually, as the Board of Commissioners may prescribe; and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

SEC. 3. The said bonds shall be signed by the Mayor, attested by the Town Treasurer, and sealed with the corporate seal of the town, and shall have interest coupons attached thereto, which said bonds and their coupons shall be exempt from town taxation until after they become due, and the coupons shall be receivable in payment of town taxes. That for the purpose of paying the said bonds at maturity and the said coupons as they become due, it shall be the duty of the Board of Town Commissioners, and they are hereby empowered so to do, to levy and collect each year a sufficient special tax on all subjects of taxation which are now or may hereafter be embraced in the subjects of taxation, under the charter of the said town, and in the manner and at the same time as other taxes are collected under the said charter: *Provided*, that the total rate of taxation for both general and special purposes shall never exceed one dollar and thirty cents on each one hundred dollars valuation of property and three dollars and ninety cents on each poll: *Provided further*, that the taxes collected under this act for the payment of said bonds and interest coupons as aforesaid shall be used for no other purpose; and it shall be the duty of the Town Treasurer as said coupons are paid off and taken up to cancel the same and report not less than twice a year to the Board of Town Commissioners the numbers and the amounts of the coupons so cancelled, and a record of the same shall be made by the said board in open session.

SEC. 4. That the Board of Town Commissioners shall not issue the said bonds, nor any of them, nor levy nor collect the said tax until they shall have been authorized and empowered so to do by a

majority of the qualified voters of said town at an election or elections to be held at such times and places as the said board shall appoint, of which notice shall be given for twenty days in some newspaper published in the said town. And at said election or elections those favoring the issue of the said bonds or any of them as specified in the call for the said election or elections, and the levy and the collection of the tax for the payment of the said bonds and coupons, shall vote "Issue," and those opposing it shall vote "No Issue": *Provided*, that the board may in its discretion order a new registration of voters. Notice.  
Style of ballots.

SEC. 5. That the said board may call an election under this act at any time it may see fit after giving the proper notice, and the rejection by the voters of any proposition submitted to them under this act shall not prevent the submission of the same or other propositions to the said voters at any other time that the said board may appoint. And that the said board may continue to call elections under this act until the whole amount, fifteen thousand dollars, shall have been issued. Board to call election.

SEC. 6. That the said bonds may be issued for the purpose of building or buying, conducting and operating an electric light and power plant to furnish lights for the streets of the said town and lights and power to its citizens, or to any other corporation, if the Board of Town Commissioners see fit so to do: *Provided*, that the board shall, in the resolution calling the election, and in the notice to the people of the said election, state the maximum amount of the bonds to be issued under said election, and the purpose for which the said bonds will be issued: *Provided, however*, that the purchasers of the said bonds shall not be required to see to the application of the purchase money. Purpose of issue.  
Proviso.

SEC. 7. That the said Board of Town Commissioners shall have entire supervision and control of any and all the plants or works established under this act, and is hereby authorized to elect all such agents, servants and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated, and do all other proper things to carry into effect the true intent of this act. Custody and control of plant.

SEC. 8. If an election shall be held under the provisions of this act, and a majority shall vote "Issue," that the said town of Laurinburg shall have power and authority to establish, construct or purchase and at all times maintain in the said town an electric light and power plant, including all machinery and appliances necessary and appurtenant to the same, and all rights and privileges required to accomplish and maintain the same. And to secure the full benefit thereof to the said town and its customers or the consumers of each light and power within or near the said town, said town may charge or contract for special rates for the use and privileges of electric lights and motive power furnished to such persons and corporations Electric light plant authorized.  
Management of.

Power to purchase and hold realty.	as may desire to use the same. And the said town shall have the full power and the right to purchase and hold such real estate and personal property as may be necessary to enable it to build, erect and maintain such electric light and power plant in the said town, and to use the streets of the said town for planting its poles and other purposes, and may enter by its officers, agents and servants upon the lands of other persons and corporations for the above purposes, and contract for and purchase the same; and if unable to agree for the purchase of said lands with the owner of the same, then the said town shall have the right by its Board of Town Commissioners to condemn the same to its uses in the manner now provided in the charter of the said town for the condemnation of land for streets and other public purposes; and the said town shall at all times have the right to enter upon said lands for the purposes of repairing, improving or replacing the lamps, poles, etc. Also the right to enter at all proper hours the stores, hotels, business houses, dwellings or other premises where said electric lights and motive power fixtures, wires, lamps, etc., are located, for the purpose of pairing, removing or replacing the same.
Eminent domain.	
Right of entry.	

SEC. 9. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

CHAPTER 367.

AN ACT CONCERNING THE WELFARE OF THE WILMINGTON LIGHT INFANTRY AND THE WILMINGTON DIVISION NORTH CAROLINA NAVAL BRIGADE.

*The General Assembly of North Carolina do enact:*

Authority, to whom granted.	SECTION 1. That the Board of Commissioners of New Hanover county, by and with the assent of the board of justices of the peace of said county, are hereby authorized and empowered to set apart and appropriate to the use of each of the said organizations annually the sum of three hundred dollars out of the general fund of said county, and to provide annually for the payment of the same by levying and collecting a tax on the real and personal property of said county not to exceed one cent. upon the hundred dollars valuation.
Amount.	
Tax to be levied.	
Per cent.	

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.



## CHAPTER 368.

AN ACT FOR THE RELIEF OF LAND OWNERS IN BEAUFORT  
TOWNSHIP, CARTERET COUNTY.

SECTION 1. That it shall be unlawful for any person or persons to <sup>Unlawful to hunt</sup> hunt with guns or dogs upon any lands in Beaufort township, <sup>in certain locali-</sup> Carteret county, without first having permission so to do from the owner of said lands or his authorized agent.

SEC. 2. That a violation of the provisions of this act shall con- <sup>Misdemeanor.</sup>stitute a misdemeanor, and the offender, upon conviction, shall be <sup>Penalty.</sup> fined not more than ten dollars or imprisoned not more than ten days.

SEC. 3. That this act shall be in force from and after its ratifica-  
tion.

In the General Assembly read three times, and ratified this the  
11th day of March, A. D. 1901.

## CHAPTER 369.

## AN ACT TO INCORPORATE WHITE OAK ACADEMY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. L. Tatum, W. W. Woodhouse, R. L. Bryan, Corporators  
M. N. Tatum and A. E. Martin and their associates are hereby de-  
clared to be a body corporate under the name and style of White Oak Style.  
Academy, which said corporation shall have all the powers conferred <sup>Powers</sup>  
upon corporations under the general law of North Carolina.

SEC. 2. That the principal place of business of the said corpora- <sup>Location.</sup>  
tion shall be at White Oak, in the county of Bladen, in the State of  
North Carolina.

SEC. 3. That the business proposed to be carried on by the said <sup>Business to be</sup>  
corporation shall be the maintenance and operation of one or more <sup>engaged in.</sup>  
institutions of learning for the white children.

SEC. 4. That the capital stock of said corporation shall be five <sup>Capital stock.</sup>  
thousand dollars, divided into five hundred shares of ten dollars each;  
but the said corporation may begin business when the sum of eight <sup>When to com-</sup>  
hundred dollars shall have been subscribed to its capital stock. <sup>mence business.</sup>

SEC. 5. That the said corporation shall exist for a period of sixty <sup>Duration.</sup>  
years unless sooner dissolved by law.

SEC. 6. That the said corporation shall have power to purchase <sup>Powers.</sup>  
the buildings and lands upon which is now located the White Oak  
Academy, in the county of Bladen, and pay therefor with its capital

stock in such sum as shall be agreed upon between the board of directors of the said corporation and the trustees of the said academy.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 370.

### AN ACT TO INCORPORATE THE JAMES SPRUNT INSTITUTE OF DUPLIN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Location.	SECTION 1. That the name of the institution of learning owned and controlled by the Presbytery of Wilmington, located at Kenansville, in the county of Duplin, in the State of North Carolina, and known at present as the James Sprunt Institute, shall be hereafter known as the same. And that the Rev. Peter McIntyre, Henry Farrior, Sr., Dr. J. W. Blount, B. F. Hall, W. L. Hill, Oscar Pearsall, S. O. Middleton, Thomas B. Pierce, S. B. Newton and others, as trustees thereof, and their associates and successors in office be and are hereby created and constituted a body corporate by the name and style of the "James Sprunt Institute," and by that name shall sue and be sued in all the courts of the land, shall use a common seal and have power to make such rules, regulations and by-laws as the said trustees or their successors may deem best for the government and operation of the institution, not inconsistent with law, not contrary to the regulations of said Presbytery of Wilmington.
Style of corporation.	
Trustees.	
Powers.	
Officers.	SEC. 2. That said trustees or their successors are hereby authorized to elect a president, secretary, treasurer and superintendent, and prescribe the terms and services of their offices, and they are further authorized to elect or appoint such other officers, teachers and instructors as may in their judgment be necessary to serve the purposes and to carry out the objects of said institution of learning, and further, that they shall have full power and authority to establish
Departments.	any departments or schools of general and special instructions of study in said institution, and may issue any scholarship, certificate
Scholarships, etc.	and diplomas, and confer any degree of merit and honor which they may determine upon, and to these ends may co-operate with other institutions of like character.
Property, how held.	SEC. 3. That the said corporation by its name and style aforesaid shall on behalf of the Presbytery of Wilmington have, hold, use and enjoy, succeed to all the estates, titles, properties and possessions now held and possessed by the institution of the same name, and all

rights, titles, estates and property in and to the same is hereby vested both by law and in equity in the same, and further, the said corporation shall have power to acquire, hold, receive, take and possess on behalf of said Presbytery of Wilmington all property, real, personal or mixed, donations, gifts, devises and bequests, and to use and enjoy, alien, exchange, invest, convert and re-invest all of its <sup>Power to invest.</sup> property and assets in as full and ample manner as other institutions of the State similarly chartered, and in no greater degree.

SEC. 4. That until further action by the said trustees above men- <sup>Present officers.</sup> tioned the said Rev. Peter McIntyre, as president; Henry Farrior, Sr., as secretary; Dr. J. W. Blount, as treasurer, Professor W. M. Shaw, as superintendent, shall be and the same are hereby created as the respective officers of said institution.

SEC. 5. That it shall be unlawful for any person or persons, firms, <sup>Manufacture or sale of liquor prohibited.</sup> partnerships or corporations to retail, sell or manufacture any spirituous, vinous or malt liquors in any quantity whatever within two miles of this institution of learning, upon the penalty of being guilty of misdemeanor, and upon conviction thereof to be fined or <sup>Misdemeanor.</sup> imprisoned, within the discretion of the court. <sup>Penalty.</sup>

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

#### CHAPTER 371.

AN ACT AMENDATORY OF AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF REIDSVILLE SCHOOL DISTRICT, REIDSVILLE, NORTH CAROLINA, TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a bill which was ratified on February 20th, 1901, <sup>Amendatory of original act.</sup> entitled "An act to authorize the School Committee of Reidsville School District, Reidsville, North Carolina, to issue bonds," be amended as follows: Strike out "30th day," in line 27, section 4, and insert in lieu thereof "10th day"; also insert between the word "election" and the word "open," in line 28, the following words: "and on each succeeding day thereafter up to the day of said election, Sundays excepted," so as to make that part of section four read as follows: "Also appoint a registrar for said election, who shall on the <sup>Registrars.</sup> 10th day preceding said election, and on each succeeding day thereafter up to the day of said election, Sundays excepted, open at some

Election. convenient and suitable place in said school district the registration book upon which he shall record the names," etc.

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

In the General Assembly read three times, and ratified this the 11th day of March, A. D. 1901.

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#### CHAPTER 372.

#### AN ACT FOR THE RELIEF OF THE ESTATE OF A. F. BIZZELL, DECEASED.

Preamble. WHEREAS, A. F. Bizzell, deceased, resided in the county of Richmond from the year 1869 to the year 1896 and moved to the county of Bladen; AND WHEREAS, the said Bizzell died in the said county of Bladen in the month of May, 1896, and was buried in the county of Richmond; AND WHEREAS, the last will and testament of the said Bizzell was executed in the said county of Richmond, and was admitted to probate and recorded in the said county of Richmond, where about seven-eighths of his estate, real and personal, was situated at the time of his death, and where his widow and children, his devisees and legatees now reside and have resided since his death, and the question has arisen as to whether he had more than one fixed place of domicile, and as to whether the said will was admitted to probate in the proper county; now,

*The General Assembly of North Carolina do enact:*

Clerk to issue letters testamentary. SECTION 1. That the probate and the recording of the last will and testament of A. F. Bizzell, deceased, by the Clerk of the Superior Court of the said county of Richmond, and the issuance of letters testamentary with the will annexed to Sallie Bizzell, widow of the said A. F. Bizzell, deceased, be and the same is in all things validated and declared to be of binding force and effect.

To whom. SEC. 2. That this act shall be in force from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 373.

AN ACT TO INCORPORATE THE DURHAM AND RALEIGH  
ELECTRIC RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. S. Carr, H. W. Jackson, J. J. Thomas, Ashley <sup>Corporators.</sup>  
Horne, B. S. Jerman and R. T. Gray and J. S. Carr, Jr., and J. S.  
Manning, their associates, successors and assigns be and they are  
hereby created a body politic and corporate by and under the name  
of the Durham and Raleigh Electric Railway Company, and by that <sup>Style.</sup>  
name shall have corporate existence for sixty years, and sue and be <sup>Duration.</sup>  
sued, implead and be impleaded in the courts of this State: have a  
common seal and alter the same: hold, purchase and acquire by deed, <sup>Privileges.</sup>  
gift, demise or otherwise, both real and personal property of every  
kind and nature: to sell or lease the same as may best promote  
the interest of the corporation, and may exercise and enjoy such other  
powers, rights and privileges not inconsistent with this act, as are  
conferred upon corporations of like kind by the laws of this State.

SEC. 2. That the capital stock of said corporation shall be twenty- <sup>Capital stock.</sup>  
five thousand dollars (\$25,000), divided into shares of one hundred  
dollars (\$100) each, but the said capital stock may be increased  
from time to time as the stockholders may determine to any amount  
not exceeding one million dollars (\$1,000,000), and the capital stock <sup>Shares.</sup>  
or any increase therein may be paid for in money or other property <sup>Power to increase.</sup>  
of value, as may be determined by the governing body of the said cor-  
poration and the subscribers.

SEC. 3. That for the purpose of creating the capital stock of said <sup>Right to open sub-</sup>  
corporation any three of the incorporators herein named may open <sup>scription books.</sup>  
books of subscription at such places and for such length of time as  
may be determined by a majority of the incorporators, and under  
such rules and regulations as may be prescribed by them.

SEC. 4. That when the sum of \$10,000 shall have been subscribed <sup>When corporators</sup>  
to the capital stock of said company, it shall be the duty of at least <sup>to have first</sup>  
three of the corporators above named to call a general meeting of <sup>meeting.</sup>  
the corporators and subscribers for stock of said company, of which  
meeting ten days' notice of the time and place thereof shall be given  
to each corporator and to each subscriber for stock; and if a  
majority of the stock then subscribed for shall be represented in  
person or by proxy at said meeting, such stockholders shall proceed <sup>Directors.</sup>  
to elect a board of directors, to consist of five stockholders, which  
may at any time be increased to nine; and the said directors shall  
thereupon at said meeting or thereafter proceed to elect one of their  
number president, and shall also elect such other officers as the by-laws <sup>Officers.</sup>  
may prescribe, and may do and perform all other acts necessary to

Stock to be voted. the complete organization of said company. In all its meetings of stockholders each share of stock shall be entitled to one vote.

Powers and authority.

SEC. 5. That said company is hereby given power and authority to make, construct, equip, operate and maintain a line or lines of railway with one or more tracks, and with such cars, trolley wires, cable posts, side-tracks, switches, appliances, crossings, bridges, turn-outs and branches as it may deem necessary, through, along and over the public highways from the city of Raleigh to the city of Durham, and over, along and through the streets and avenues of either of said cities; to cross any track of any street-railway or railroad company now incorporated or hereafter to be incorporated: *Provided*, that it conform to the grade of the track to be crossed, subject to such rules and regulations as may be prescribed by the Board of Aldermen; to erect and equip such stations, warehouses, offices, power plant, shops and other buildings as its said board of directors may deem necessary, to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the forms of electric current, hydraulic, pneumatic and steam pressure, and in any and all forms now or hereafter in use for driving machinery and for propelling cars or carriages, to charge and collect such sums of money for the carriage of passengers and transportation of property as the board of directors

Board of directors to fix fare, etc. Proviso.

Raleigh and Durham to be connected.

Proviso.

may reasonably fix as the fare or rate of transportation between given points: *Provided, however*, that its cars or carriages shall be operated over and along the streets and avenues of the cities of Raleigh and Durham with electric power or with such power as shall be approved by the Board of Aldermen of said city: *Provided further*, that its line or lines of railway shall be constructed over and along streets within the corporate limits of said city by and with the consent of the Board of Aldermen of said cities, and over and along the public highway and avenues without said corporate limits, by and with the consent of the authority having lawful supervision and control of said public highways and avenues; and *Provided further*, that said company shall begin the construction of its line or lines of railway within two years, and shall finish and put in operation such line or lines as may be built within the corporate limits of said cities within five years from the ratification of this act.

Powers and privileges of company.

Business, how transacted.

SEC. 6. That said company is hereby given power and authority also to make, transmit and furnish to individuals and corporations within said cities, at any point or points between the same, power, light and heat in the form of electricity, gas or other forces, currents or fluids used for such purposes, to construct, maintain and operate a plant or plants in or near either or both said cities of Raleigh and Durham or at some initial point between the same, for the purpose of generating, manufacturing and transmitting the same, and either above or under ground, by wires, cables, tubes, pipes, conduits and all other ways and means now used or which may be devised for trans-

mission of power, light and heat: to transmit and distribute the same directly to consumers or users within the cities and places aforesaid, or to a distributing point therein, and from such distributing [point] to consumers and users as aforesaid; to make, buy, deal in, furnish, supply and sell electricity, gas and any and all other kind of powers, force, fluids, currents, matters and materials now used or which may be discovered for the purpose of illumination, heat and power: to carry, on any and all business in anywise connected with manufacturing and generating, distributing and furnishing of electricity, gas and any other fluids, forces, currents, matters and materials now used or which may be discovered for light, heat and power purposes, including the transaction of any and all business in which such are now or hereafter may be utilized, and all matters incidental or necessary to the use and distribution of light, heat and power; to manufacture and repair, buy, sell and deal in any and all necessary machinery, apparatus and appliances used in or which may be required or deemed advisable for, or in connection with the utilization of any and all such forces, fluids and powers or in anywise appertaining thereto or connected therewith; to own and operate between and within the cities aforesaid cars and carriages with all such forces, fluids or powers and without tracks when found practicable; to purchase, acquire, hold, improve, lease, operate and maintain water-powers, water-rights and privileges; to supply water to persons, corporations, towns and citizens for domestic or public purposes for use as power and manufacturing purposes, and to charge and collect such rents and rates therefor as may be deemed advisable or expedient: to purchase, acquire, rent, lease, own, hold, improve and develop real property in such quantities as may be deemed expedient: to build dwelling-houses, and to build, own and operate stores, mills, schools, factories, warehouses and any and all other structures desirable or convenient; to sell and dispose of the same on such terms and conditions and payments, including installments and installment plans, as may be desirable or convenient: to lay out and plat any real property belonging to or acquired by the corporation into lots, blocks, squares, factory sites and other convenient forms, and to lay out, plat and dedicate to public use or otherwise thereto avenues, alleys and parks.

Nature of the business engaged in.

SEC. 7. That said company is also given power and authority to borrow such sums of money as may be necessary for its purposes from time to time, and for such loans to issue its bonds bearing interest not exceeding six per cent. per annum: to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereon by deed of trust or mortgage conveying its road-bed, property and franchises in whole or in part.

Power granted to negotiate loans.

SEC. 8. That in order to carry into effect the purposes of this act said company may survey such routes for its line or lines of railway,

Powers incident to incorporation.

and for its ways and means for transmission and distribution of power, light and heat as may be deemed practicable, and if any lands of individual or corporations or any easement, privilege or right of way therein shall be found necessary for the construction and operation of its said line or lines of railway, its branches and sidings of the standard width, and of its wires, cables, tubes, pipes and conduits, for the purposes of transmission of its power, and if unable to agree with the owners thereof upon the compensation therefor, said company shall have the right to acquire title to the same or to an easement, privilege or right of way therein in the manner and by the special proceeding prescribed by chapter 49 of The Code of North Carolina, entitled "Railroad and Telegraph Companies," and the acts amendatory thereof.

Protection to  
property of corpo-  
ration.

SEC. 9. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or appliances of any kind used therewith shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the Superior Court.

Protection to the  
free use of com-  
pany's property  
and the enjoyment  
thereof.

SEC. 10. That any person or persons who shall cast, throw, shoot, propel or project or in anywise put in motion any stone, rock, shot, torpedo or other missile of any kind or nature at, against or into any car, carriage, coach or train of said railway, whether the same be in motion or at rest, with intent to injure any such car, carriage or coach, or any person or persons therein or thereon, or the property of said company, shall be guilty of a misdemeanor and fined or imprisoned within the discretion of the Superior Court.

Agents and em-  
ployees of the  
company.

SEC. 11. That the conductors and drivers and other agents and servants of said company, while in the active service of said company, or the discharge of any duty connected therewith, are hereby vested with the same power, authority and privileges which belong to similar officers and agents of railroad companies in this State; and in addition to the general powers conferred upon such agents and officers, they may eject and remove all drunken, profane and disorderly persons from any of the conveyances or cars of said company at any time, whether the fare of said drunken, disorderly or profane person has been paid or not, and the said company shall not be liable or re-sponsible in damages therefor, unless greater force be used than is necessary to eject such person.

Not liable indi-  
vidually.

SEC. 12. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, default or torts of the corporation, and no stockholder shall be liable for more stock than [he] has subscribed for.

Home office,  
Durham, N. C.

SEC. 13. That the principal office of said corporation shall be in Durham, N. C., and such branch offices as may be desirable for the



purposes of the corporation shall be established at such places as Branch offices. the directors of the corporation shall designate and prescribe.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 374.

AN ACT TO CORRECT LAND GRANT NUMBER THREE THOUSAND THREE HUNDRED AND THIRTY-ONE (3331), IN BOOK 119, ON PAGE 102.

*The General Assembly of North Carolina do enact:*

SECTION 1. That land grant number three thousand three hundred and thirty-one (3331), recorded in Book 119, on page 102, in the office of Secretary of State of North Carolina, be corrected by striking out "twenty-four (24) poles," in the fourth call, and inserting "seventy-four (74) poles" in place thereof, so it will read "north seventy-four (74) poles": *Provided*, that nothing herein contained shall operate to prejudice any vested right or any suit pending.

Land grant No.  
3331 corrected.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 375.

AN ACT TO INCORPORATE THE TOWN OF DOVER, IN THE COUNTY OF CRAVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Dover, in the county of Craven, be and is hereby incorporated under the general laws of North Carolina governing towns and cities, and contained in The Code of North Carolina, volume 1, chapter 62 of the same.

Incorporation.

SEC. 2. That the limits of said corporation shall be embraced in the following territory, viz.: Beginning at a point in Jones county line and runs north 19 east to the mouth of Cormack's avenue on the Atlantic and North Carolina Railroad; then with said avenue in

Corporate limits.  
Boundaries.

the same direction 60 poles to the public road; then with said road south  $87\frac{1}{4}$  east 111 poles to a ditch west of Whitehead's, near a mile-post; then north 69 east 41 poles to Barnwell public road; then south  $79\frac{1}{2}$  east 70 poles to a point near Adler's stables; then south 75 east 94 poles to a point just beyond Ferrell's stables; then south  $13\frac{3}{4}$  east 22 to a point on the public road; then with said road south 75 east 17 1-3 poles; then north 81 east with said road 55 poles to Dover branch; then up said branch to a culvert on the Atlantic and North Carolina Railroad; then south 45 west to Jones county line; then with Jones county line to the beginning.

Intoxicating beverages prohibited.

SEC. 3. That no spirituous, malt or other intoxicating liquors shall be manufactured, sold or disposed of within the territory mentioned and set out in section two of this act.

Conflicting laws repealed

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

SEC. 5. That this act shall be in force from and after the date and ratification of this act.

In the General Assembly read three times, and ratified this 13th day of March, A. D. 1901.

CHAPTER 376.

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE, AND TO ESTABLISH A RECORDER'S COURT IN SAID CITY.

*The General Assembly of North Carolina do enact:*

Mayor to appoint a recorder.

SECTION 1. That the Mayor of the city of Charlotte shall, on or before the first day of May, nineteen hundred and one, and every two years thereafter, appoint a Recorder for said city, who shall hold his office until his successor has been duly appointed and qualified. The term of office of the first Recorder appointed under this act shall begin on the first Monday in May, nineteen hundred and one. In case of a vacancy in said office the Mayor shall appoint another Recorder to fill out the unexpired term.

Tenure.

Vacancy.

Duties and powers of said recorder.

SEC. 2. Said Recorder shall be an *ex officio* justice of the peace, and before assuming the duties of his office shall take the usual oaths required by law to be taken by justices of the peace, and also an oath to honestly and faithfully perform the duties of his office.

An official court.

SEC. 3. Said Recorder, while acting as such, is hereby constituted an official court, with all the jurisdictions and powers in criminal offenses occurring within the limits of said city or within one mile outside of the corporate limits of said city, which are now or may hereafter be given by law to justices of the peace, and shall also have

jurisdiction to hear, try and determine all misdemeanors consisting of a violation of the ordinances of said city; and he shall also have jurisdiction to hear, try and determine all actions or proceedings for the recovery of any fine, penalty or forfeiture for the violation of any ordinance now in force, or which may hereafter be enacted by the governing board of said city.

SEC. 4. That the salary of Recorder shall be fixed by the Board of Aldermen, and shall not be more than one thousand dollars, or less than eight hundred dollars, to be paid monthly by the city Treasurer, and he shall receive no other compensation for his services, but all fees prescribed to be paid to him shall be collected as provided by law, and shall be paid to the Treasurer of said city.

SEC. 5. Upon written complaint made to the Mayor by the Recorder, that the chief or any member of the board of police has failed or refused to perform any duty required of him by law, it shall be the duty of the Mayor to immediately suspend such officer from service until the Board of Aldermen shall meet and take action in the matter.

SEC. 6. That chapter forty (40) of the Private Laws of eighteen hundred and eighty-one (1881), section twenty-three, on page seven hundred and twenty-one, be amended as follows: By striking out the word "Mayor's" in line 18, and by inserting the word "Recorder's" in lieu thereof, and by striking out in line 29 the word "Mayor" and inserting in lieu thereof the word "Recorder," and by inserting after the word "Mayor," in line 32, the words "or Recorder."

SEC. 7. That all jurisdiction, duties, powers and rights heretofore conferred upon the Mayor of the city of Charlotte as a justice of the peace, *ex officio* or as an official court are hereby transferred to and conferred upon the said Recorder and his successors in office, and the Mayor of said city shall not, on or after the first Monday in May, nineteen hundred and one, be a justice of the peace or an official court.

SEC. 8. That the Mayor of said city shall have full power and authority to administer oaths or affirmations, and all oaths required by law to be taken by any alderman, school commissioner, police or other officer or official of said city may be administered by the Mayor.

SEC. 9. That on and after the first Monday in May, nineteen and one; the salary of the Mayor of said city shall be fixed by the Board of Aldermen, and shall not be more than twelve hundred dollars nor less than six hundred dollars, to be paid monthly by the City Treasurer, and the Mayor shall receive no other compensation whatever for his services.

SEC. 10. That all fines or penalties which are or may be imposed by the ordinances of the city of Charlotte or the laws of the State, when recovered before the Recorder, shall be paid into the city

Juri-diction as that of a justice of the peace.

Salary to be fixed by aldermen.

Proviso.

Recorder may complain to mayor.

Duty of mayor.

Chapter 40, Private Acts 1881, section 23, are amended.

The recorder substituted for mayor in certain cases.

Mayor shall have power to administer oaths.

Salary of mayor, how determined.

Disposition of fines and penalties.

Treasurer's office, accompanied by an itemized statement showing when and from whom received, and whether imposed or collected by way of fine, penalty, cost or otherwise; and it shall be the duty of the City Treasurer to enter upon a book kept for that purpose by him a full and detailed statement of all moneys received by him on such accounts.

Writ of recorder,  
how executed.

SEC. 11. That the precepts of the Recorder shall be executed by any constable or other lawful officer of Mecklenburg county within that county.

Section 907 of Code  
not applicable.

SEC. 12. That section nine hundred and seven of The Code shall not be construed to apply to proceedings or trials, whether criminal or civil, by and before the Recorder, but the defendant in all such cases shall have the right to appeal to the Superior Court of Mecklenburg county.

The recorder  
being absent, who  
to preside.

SEC. 13. That in case the Recorder is absent from the city or sick, or for any reason temporarily unable to hold his court, the Mayor shall, on such fact being made known to him, designate some justice of the peace or attorney to hold the Recorder's Court during his sickness or absence.

Conflicting laws  
repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

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#### CHAPTER 377.

#### AN ACT IN FAVOR OF JOHN R. CONGLETON, AN AGED EX-CONFEDERATE SOLDIER.

*The General Assembly of North Carolina do enact:*

John R. Congleton  
allowed to peddle  
without license.

SECTION 1. That John R. Congleton, of the city of Raleigh, an aged ex-Confederate soldier, be and he is hereby authorized and allowed to peddle and sell medicine of his own manufacture in the counties of Wake, Wayne, Johnston, Harnett, Nash, Franklinton, Chatham, Granville and Durham without being subjected to the payment of any State or county tax.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 378.

## AN ACT TO LEVY A SPECIAL TAX IN THE TOWN OF TARBORO, EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the town of Tarboro, for the expenses incident to enlargement and improvements of the present water and electric light systems be authorized and are hereby empowered to levy a special tax on all the real and personal estate not exempt under the State laws in said town, not exceeding twenty-five cents on the hundred dollars worth, and a tax on all polls liable under the general law, not exceeding seventy-five cents, for the years 1901 and 1902, and no longer.

SEC. 2. That said taxes shall be levied and collected as other taxes of the town, and shall be applied by the board of public works for the enlargement of the present system of water-works and electric lights, and to no other purposes.

SEC. 3. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 379.

## AN ACT TO INCORPORATE THE WAYNE AND SAMPSON RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. L. Autry, T. B. Hall, H. R. Barefoot, W. C. Jackson, A. Baggett, Jesse Wilson, J. E. Wilson, Rufus Lewis, Jonas W. Phail, T. W. Underwood, A. B. Grantham, E. T. Britt, G. R. Williams, H. G. Monk, G. E. Grantham, D. E. Hood, M. E. Cox, L. J. Mnsgrave and R. A. Jordan, their associates, successors and assigns be and are hereby created and constituted a body politic and corporate under the name of the Wayne and Sampson Railroad Company, and under that name and style they and their successors and assigns shall have succession for sixty years, and shall have power to sue and be sued, plead and be impleaded, to prosecute and defend to final judgment and execution in all courts of this State; shall have a common seal and shall have power to purchase, hold and convey lands, tenements, goods and chattels necessary or expedient to the purposes and objects of this corporation; they shall have power also to make such by-laws and regulations for the government and conduct

of the business of the corporation as they may deem necessary, not inconsistent with the laws and Constitution of this State.

Nature and object of company.

SEC. 2. That said corporation is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by steam or other motive power a railroad with one or more tracks from some point at or near the station of Genoa, on the Atlantic Coast Line Railroad Company, in the county of Wayne, to some point on what was formerly the Cape Fear and Yadkin Valley Railroad, now the property of the Atlantic Coast Line Railroad Company, in the county of Sampson, as it may deem best.

Capital stock.

SEC. 3. That the capital stock of said company shall be seventy-five thousand dollars, with the privilege and power of increasing the same to five hundred thousand dollars, divided into shares of the par value of one hundred dollars each. The capital stock shall be raised by subscription on the part of individuals, townships, municipal or other corporations.

Power to increase. Shares.

Power to open subscription books.

SEC. 4. That the corporators herein named may cause books of subscription to be opened at such times and places as they may appoint, and said corporators, at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said company and ten per cent. thereof has been paid, shall be authorized and empowered to call together the subscribers to the capital stock for the purpose of completing the organization of the said company in accordance with the provisions of this act.

First meeting.

Directors, how and when chosen.

SEC. 5. That at the time of such organization, and annually thereafter, such stockholders or subscribers shall select from their number not less than seven nor more than eleven directors of said company, who shall hold their offices for one year and until their successors shall be elected and qualified; and the directors chosen at such meeting and annually thereafter shall elect one of their number president of said company, and also a secretary and treasurer, and such other officers as may be provided for in the by-laws of said company, who shall hold office for one year or until their successors shall be elected and qualified; the said directors shall have power to fill any vacancy in the directors or officers of said company that shall occur by reason of resignation, death or otherwise. In all meetings and elections provided for in this act by the stockholders each share of stock represented, either in person or by proxy, shall be entitled to one vote.

Officers.

By-laws.

Vacancies.

Certificates of stock.

SEC. 6. The said company shall issue certificates of stock to its members and the transfer of stock may be made as provided by the by-laws.

Townships authorized to subscribe to capital stock.

SEC. 7. That the several townships of the counties through which or into which the said railroad may pass are respectively authorized and empowered to make such subscriptions to the capital stock of said company in such amount as may be settled upon in the manner

hereinafter prescribed: *Provided*, no subscription shall be valid until the same has been ratified by the qualified voters of the township as hereinafter provided.

SEC. 8. That the Board of Commissioners of any county in which any part of said railroad may be located are authorized and required, whenever one-fifth of the voters of any township in their county shall petition them in writing to have submitted to the voters of said township a proposition to subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the voting place or places therein, after thirty days' notice of said election by advertisement in some newspaper of the county, if there be one, and at the court-house door, and at four or more public places in said township, and to submit to the qualified voters of such township the question of subscribing to the capital stock of said company the sum of money specified in said written petition of at least one-fifth of the voters of said township as aforesaid asking for said election. At the election those who favor subscription shall vote a ballot upon which shall be written or printed the words "For Subscription," and those who oppose shall vote a ballot upon which shall be written or printed the words "Against Subscription; such election when ordered shall be held under the rules and regulations prescribed by law for holding elections for members of the General Assembly. The returns of any election held by any township under the provisions of this act shall be made to the Board of County Commissioners of the county in which said township is on the Saturday next after the day of election, and the said board shall meet at the court-house on that day and shall on that day canvass the returns; and if a majority of the qualified voters of said township shall have voted "For Subscription," then the subscription so authorized may be made to the capital stock of said company for said township by the chairman of the Board of County Commissioners.

Commissioners of the several counties authorized to submit question of subscription.

How decided.

Style of ballots.

Rules for holding elections.

Result

SEC. 9. That in payment of any subscription made as provided in the next preceding section the Board of Commissioners of the county wherein the township is shall issue bonds to an amount not exceeding the sum so authorized to be subscribed, the said bonds shall be in the sum of one hundred dollars each, and shall express upon their face by what authority and for what purpose they are issued. They shall be coupon bonds and bear interest at a rate of no more than six per cent., payable on the first day of January and July in each year by the treasurer of the county in which said township is, and shall have coupons attached for each payment of interest provided; and both the said bonds and each coupon shall be signed by the chairman of the Board of Commissioners. The bonds herein provided shall run for a period of thirty years from and after the first day of January next after they are issued.

Commissioners authorized to issue bonds.

Style of bonds.

- Interest, how paid.** SEC. 10. That to provide for the payment of the interest on any bonds that may be issued under the provisions of this act the Board, of Commissioners of the county in which the township is, on account of which said bonds shall be issued, shall, in addition to other taxes, compute and levy upon the people subjects of taxation in such township a sufficient tax each year to pay the interest on said bonds and one-thirtieth of the amount of the principal thereof, which latter shall be and constitute a sinking fund to be invested by said Board of Commissioners to meet the redemption of said bonds at their maturity, which said taxes shall be collected by the sheriff of said county under the same rules and regulations and subject to the same penalties as may be provided for by law for the collection of other taxes, and shall be paid by the sheriff to the treasurer of the county, who shall pay the interest on said bonds, and the coupons taken up by him shall be evidence of such payment.
- Tax to be levied.**
- Sinking fund.**
- Emment domain.** SEC. 11. That said company shall have the right to have lands condemned for its right of way and for necessary warehouses and other buildings according to law; and shall also have full power and authority to sell or lease its road-bed, superstructure, property and franchise to any other company, corporation or persons, and also the power to contract with any other corporation or construction company, or any individual for the construction, maintenance or operation of its road, and to purchase or lease and hold the bonds or stock of any other railroad in this State, or to consolidate with any connecting line or railroad.
- Point where said road shall commence.** SEC. 12. That said company shall be authorized to begin the construction of said road at any point on the line where it may be located, and may operate any portion of it when completed, and shall have exclusive right of transportation over the same.
- Right to negotiate loans.** SEC. 13. That said company shall have the right to borrow money for the construction and operation of its railroad, and to make, issue and negotiate and sell its bonds in such sums and in such amounts as may be agreed upon and as the directors may deem expedient; and said bonds shall bear a rate of interest no greater than six per cent. per annum, and both the interest and the principal shall be payable at such time and places as the board of directors may determine; and said company shall have power to secure the payment of same by mortgage or deed of trust on its property, estate, rights and franchises, on such terms and to such trustee or trustees as the board of directors may think proper, and said mortgage, deed or deed of trust, when duly registered in the county of Wayne, shall convey all the property and estate in said company without registration in any other county.
- To issue bonds.**
- Right to mortgage.**
- Additional powers granted.** SEC. 14. That in addition to the powers, rights and privileges



herein granted to said company, it shall have all the rights, powers and privileges given by law to like corporations.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 380.

#### AN ACT TO INCORPORATE THE UNITY CEMETERY ASSOCIATION OF THE TOWN OF ROCKY MOUNT, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Jerry J. Cook, Fred Simpson, John D. Boddie, Corporators, Richmond Lawrence, Jason W. Joyner, James Sessoms, Jr., R. E. Young, Isaac Wells, Thomas H. Boddie, Bradford Battle, their associates and successors be and the same are hereby incorporated and constituted a body politic and corporate by the name and style of The Unity Cemetery Association. The object of this incorporation is, that they and their associates being desirous of remaining citizens of this Commonwealth, and desire in their life-time to prepare a suitable place for their burial, do hereby ask this incorporation for themselves, associates and successors. Object of corporation.

SEC. 2. The following officers shall govern said corporation, viz.: Officers, a board of trustees of ten members of said association, the president, vice-president, secretary and treasurer being a part of said board and acting *ex officio* at all meetings of said association. It shall be mandatory upon said association to elect by plurality vote ten (10) trustees annually; and the president shall call a meeting for this purpose, giving a least thirty (30) days' notice by advertisement at three (3) public places in the town of Rocky Mount. How elected. Notice.

SEC. 3. There shall be a cemetery keeper elected annually, who, together with the other officers of said association, all to serve without salary, except the cemetery keeper, who shall be paid cash for each grave dug by him, or such other improvement as may be ordered by the trustees. Cemetery keeper.

SEC. 4. The said trustees and their associates and successors shall have the power to purchase land in the name of said association and give a certificate of purchase to each purchaser. They shall have all the land surveyed, a plot drawn and the same recorded in the Edgecombe Register of Deeds office. The said certificate shall be valid in law. The said association shall make by-laws for the government of said association, and shall have the right to eject Powers of trustees.

objectionable persons from its premises, and be allowed to prosecute before the Mayor of Rocky Mount for any violation of its by-laws or any act of vandalism.

Provisions regarding lots, etc.

SEC. 5. It shall be the duty of the said trustees to have lots drawn by those holding certificates of purchase of said cemetery; all other persons to purchase from the trustees at such prices as may be agreed upon by them. No other person shall own more than two (2) lots, neither dispose of same; but may sell to the association when the same shall be free from all incumbrance. All moneys received from any source by any one of them, in the name of the said association, shall be applied to fencing and improving the same. The said trustees shall lay off in lots, leaving six feet (6) space between each lot; and shall leave a drive-way from one end to the other through said cemetery. They shall, on taking possession and paying for the same, tax all members a private tax to pay for fencing, plowing, sowing grass and for beautifying same.

Penalty for violation of provisions of incorporation.

SEC. 6. Each lot must be numbered and the name of the holder upon a board to designate the same. Any member who knowingly violates any of the provisions of this incorporation or any of the by-laws may be expelled from said association, and forfeit his right to bury or be buried in said cemetery by a majority of said association; but must be paid for any money they may have advanced.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

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#### CHAPTER 381.

### AN ACT TO INCORPORATE THE BOARD OF TRADE OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That John A. Nichols, president; Frank Carter, first vice-president; Thomas Wadley Raoul, second vice-president; B. M. Jones, secretary; James P. Sawyer, Treasurer, and Alf. S. Barnard, Claybrook James, S. Lipinsky, Charles McNamee, T. S. Morrison, W. B. Northup, Geo. S. Powell and W. B. Williamson, directors, and their successors in office and associates, be and they are hereby created a body politic and corporate under the name and style of "Board of Trade of the City of Asheville," and by that name may sue and be sued, plead and be impleaded in all the courts of this State, contract and be contracted with, have

Corporate name.

Corporate powers.

perpetual succession and a corporate seal, and, generally, shall have all the rights and powers of a corporation under the laws of North Carolina.

SEC. 2. That said corporation shall have the right to adopt a constitution and by-laws, and the constitution and by-laws under which the body is now governed shall be in force until changed. Constitution and by-laws.

SEC. 3. That said corporation shall have the right to purchase or take by deed, gift or devise, real or personal property, or both, not to exceed one hundred thousand dollars in value, and hold or convey the same, and may give or lend its aid to the upbuilding and promotion of the interests of the city of Asheville in such enterprises and in such manner as to it may seem best. Corporate rights and powers.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 382.

### AN ACT TO INCORPORATE THE RALEIGH AND VIRGINIA RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. T. G. Skinner, W. D. Pruden, of North Carolina; Incorporators.  
Hugh L. Pope and E. P. Duer, of Maryland; Hiram R. Burton, of Delaware; C. H. Causey, Jr., and Geo. L. Barten, of Virginia, and such other persons as they may hereafter associate with them, their successors and assigns, be and they are declared and made a body politic and corporate, under the name and style of The Raleigh and Virginia Railway Company, for the purpose of building and operating a railroad from Raleigh to some point on the Virginia line in Northampton County, North Carolina, which company may have a common seal, may contract and be contracted with, sue and be sued, buy and sell such property, real and personal, as may be necessary and proper in its business from time to time, and do such other thing and have all such powers as it may deem necessary properly to carry out the business of its incorporation, which are not inconsistent with the law of the land. Corporate name.

SEC. 2. That said company shall have the power and authority to construct, maintain and operate a railway of one or more tracks to be used with steam or other power, along such route as it may select and lay out, between the points named in the first Specific powers granted.

section hereof, through any or all of the counties of Wake, Franklin, Nash, Warren, Halifax and Northampton, for the purpose of transporting passengers and freight. That said company shall have power to connect its said road with any other road it may construct and operate under the authority of the State of Virginia from its northern terminus, or with any road built or owned by any other company at the same point. It shall have the power to build and connect with its main track at such points as it may think proper branch roads of not more than twenty miles in length and maintain the same under the same management, and to lease, own and run in connection with its business such boats moved by steam, sails or other power, and such ferries and boat lines as it may think proper.

**Capital Stock.**

SEC. 3. The capital stock of said company shall not be less than five hundred thousand dollars, nor increased beyond three million dollars, to be divided into shares of the par value of one hundred dollars each, and to procure the same any two of the above-named corporators may receive subscriptions to the same in money, or in bonds, land or material, on such terms and at such valuation as the parties may agree.

Two corporators to receive subscriptions to same.

Can organize, when

SEC. 4. That whenever fifty thousand dollars of the capital stock shall have been subscribed and five thousand dollars thereof paid in, the stockholders may meet and organize. They shall elect not less than five nor more than nine directors, who shall select from among their number a president and vice-president and appoint such officers and agents as they think proper. The directors may also adopt such by-laws as they shall deem proper.

Officers.

By-laws.

Power to condemn lands.

SEC. 5. That said company shall have power to enter upon any land through which it may think it necessary to make the said road, and to lay out and construct the same, but before the title to the land so entered shall vest in the company, the owner thereof shall be paid for the same such sums as the parties may agree upon, or as may be assessed in his favor as herein provided. If the parties for any cause are unable to agree upon the compensation to be paid, either party may apply to the Clerk of the Superior Court of the county in which the land lies, who shall at once appoint three competent freeholders, whose duty it shall be to examine the matters and assess the damages to be paid, and in estimating such damages said Commissioners shall consider the increased value of the land likely to be caused by the running of said railroad. The Commissioners within five days after their appointment shall meet for the purpose of performing their duties and to that end may go upon the premises and may take testimony. They shall forthwith make their report in writing over their hands and seals to the said Clerk; either

Assessors appointed to fix valuation of damages.

Powers of commissioners.

Commissioners to make report.

party, if not satisfied, may except and appeal to the next term of the Court, but unless exceptions be filed thereto in ten days from the filing of the report, it shall stand confirmed; upon appeal to the Superior Court judgment shall be entered there. When the report is finally confirmed the company shall pay the damages assessed to the owner of the land or into the Court for his benefit and forthwith the title to the land shall vest in said company and said judgment shall be a sufficient conveyance of the same. If any owner of the land condemned be an infant, or *non compos mentis*, the rights of such persons shall be protected in this proceeding, as is provided in special proceedings before the Clerk. The width of tract to be condemned as above for right of way shall be fifty feet on each side of the centre of the track, but in addition to this, said company may condemn, in the manner herein provided, for depots, stations, coal yards, water tanks and other needs of the company in conducting the business, such land as is necessary for those purposes: *Provided*, said company shall not have the power to enter upon or condemn for the purposes aforesaid any churchyard, graveyard, yard or garden whatever, without the consent of the owners thereof.

SEC. 6. That said company shall have the right to cross any navigable stream in its route by putting in its bridge a sufficient draw to prevent obstruction to navigation, also any public road and railroad: *Provided, always*, that it shall be its duty to provide and keep proper and safe crossings at such points.

SEC. 7. That whenever any part of the said railroad is completed, the company shall have the right to transport over it passengers and freight and to charge therefor reasonable fare, freight and tolls.

SEC. 8. That said company shall have the right to issue bonds in such amounts as it may see fit from time to time, and to secure the same by mortgage or trust deed upon its property and franchise or any part of the same, for the purposes of the company. This company may consolidate its capital, property, privileges and franchises with any other railroad company whenever the stockholders of this company may so determine, and such other companies may in like manner consolidate with this; and this company may likewise buy other roads or sell to such, upon terms satisfactory to the stockholders of the contracting companies, and may conduct and carry on the business of the companies combined under the name and powers herein given. Work shall be begun on this road within five years and completed within ten years from this date or this charter shall become void.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

Either party may appeal to Superior Court.

Exceptions to be filed in ten days.

Company to pay damages on confirmation of report, and title to vest in company.

Rights of infants, etc., to be protected.

Right of way, etc.

Proviso.

May cross navigable streams and roads and other railroads.

Right to transport passengers and freight and to charge therefor.

May issue bonds.

Mortgage or trust deed.

May consolidate with any other railroad company.

Power to sell or buy.

Time for beginning and completing work specified.

## CHAPTER 383.

AN ACT SUPPLEMENTAL TO AN ACT TO INCORPORATE  
THE BANK OF RANDLEMAN, WHICH WAS RATIFIED  
JANUARY 30, 1901.*The General Assembly of North Carolina do enact:*Names of incor-  
porators cor-  
rected.

SECTION 1. That the names C. L. Lindsay, S. G. Newland and N. Newland, appearing in the first section of said act, entitled "An act to incorporate the Bank of Randleman," which was ratified January 30, 1901, be changed to C. L. Lindsay, S. G. Newlin and N. Newlin, respectively.

Word "pur-  
chased" to be  
changed to "pur-  
chase."

SEC. 2. That the word "purchased" appearing in the ratified copy of said act between the words "have" and "receive" in the first section of said act be changed to "purchase."

Word "pur-  
chaser" to be  
changed to "pur-  
chase."

SEC. 3. That the word "purchaser" appearing in section nine of said ratified copy of said act between the word "such" and "though" be changed to "purchase."

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 384.

AN ACT TO AUTHORIZE THE CITY OF MONROE TO SELL  
CERTAIN PROPERTY.*The General Assembly of North Carolina do enact:*Board of Alder-  
men of Monroe  
authorized to sell  
certain city prop-  
erty.

SECTION 1. That the Board of Aldermen of the city of Monroe shall have full power and authority and they are hereby fully authorized and empowered to sell and convey the city hall property lying northeast of the public square in said city of Monroe, or so much thereof as may be necessary, and the proceeds of such sale shall be a fund to be used in improving the property of the city on said city hall lot or of rebuilding a new city hall on the site of the present one.

Funds, how  
applied.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 385.

AN ACT TO AMEND THE CHARTER OF THE GOLDSBORO  
LUMBER COMPANY.

WHEREAS, The Goldsboro Lumber Company is a corporation chartered under the general corporation laws of this State, and is engaged in the business of manufacturing, hauling and transporting lumber, logs, etc., in the counties of Craven, Jones and Lenoir; and,

WHEREAS, The said corporation desires to extend its lines of railroad and tramroad in said counties, and also in the counties of Duplin and Onslow; now, therefore, for the purpose of enabling it to extend its said lines in said counties,

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the Goldsboro Lumber Company desires to extend or construct any line of railroad, or tramroad in the counties of Craven, Jones, Lenoir, Onslow and Duplin, it shall have the same power of acquiring the easement of all right of way for said lines of railroad or tramroad as is now conferred by the general law of North Carolina upon railroads, and shall enjoy the same right to the same extent and as fully as the railroads are permitted to enjoy and exercise the said right of condemnation.

Power to extend or construct railroad in certain counties.

Same powers as to right of way, etc., as other railroads.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 386.

## AN ACT TO INCORPORATE THE TOWN OF STALEY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Staley, in Randolph County, be and the same is hereby incorporated by the name and style of the town of Staley, N. C., and it shall be subject to all the provisions of chapter sixty-two, volume two of The Code of North Carolina.

Corporate name.

Chapter 62 of The Code applicable.

SEC. 2. That the boundaries of said town shall be as follows, viz.: Beginning at a stone in the Chatham County line in front of J. C. Fox's house, two rods south of said house and Cooper's

Corporate limits.

corner; thence west forty-six chains and fifty links to a stone; thence south 45 degrees west forty chains to a stone in C. J. Frazier's field; thence south 45 degrees east fifty chains to a stone, south of S. T. Allred's house; thence east thirty chains and fifty links to a stone in the county line; thence north with the county line sixty-three chains and thirty-five links to the beginning.

Officers.

SEC. 3. The officers of said town shall consist of a Mayor, five Commissioners, a Marshal and a Treasurer, the Treasurer shall be *ex officio* clerk of the Board of Commissioners, and the following-named persons shall fill said offices until the first Monday in May, one thousand nine hundred and one, viz.: Mayor, T. P. Barker; Commissioners, J. W. Staley, J. W. Cox, J. M. Foushee, C. G. Frazier and A. J. Cooper; Marshal, M. R. Cox; Treasurer, J. F. McArthur.

Names of present officers.

Election, when held.

SEC. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand nine hundred and one, and each succeeding year thereafter under the same restrictions that county and State elections are held, and all citizens within said incorporation, who shall have resided twelve months within the State and ninety days within the corporate limits previous to the day of election shall be entitled to vote at said election.

Qualification of electors.

Powers of commissioners.

SEC. 5. That said Commissioners shall have power to pass all by-laws and regulations for the good of the town, not inconsistent with the laws of the State and the United States, and levy a tax on all subjects of State taxation not to exceed sixteen and two-thirds cents on each one hundred dollars worth of property, and fifty cents on the poll, and to impose fines for the violation of town ordinances and collect the same for the use of said town.

Treasurer and marshal to give bond.

SEC. 6. The Treasurer and the Marshal shall each enter into bond approved by the Commissioners, payable to the State of North Carolina, to the use of the town of Staley, conditioned for the faithful performance of their respective duties.

Compensation of officers.

SEC. 7. That the officers of said town shall receive such compensation for their services as may, and Commissioners of said town shall, in their discretion authorize.

Sale of spirituous liquors prohibited within corporate limits.

SEC. 8. That this charter shall prohibit the sale of spirituous liquors within the corporate limits heretofore mentioned.

Officers to qualify in 30 days.

SEC. 9. That it shall be the duty of the officers of the town appointed by this act within thirty days after its ratification to go before some Justice of the Peace of said county and take the oath of office prescribed by law.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.



## CHAPTER 387.

AN ACT CONCERNING CERTAIN FUNDS IN THE HANDS OF  
THE TREASURER OF THE TOWN OF LOUISBURG.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the town of Louisburg, North Carolina, are hereby authorized and empowered to appropriate the sum of two thousand dollars now in the hands of the Town Treasurer, derived from the sale of the stock held by said town in the Louisburg Railroad Company, to the payment of the outstanding bonds of said town, and for that purpose to transfer the same to the fund known as the "Opera-House Fund."

Board of commissioners of Louisburg empowered to appropriate funds in hands of town treasurer.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 388.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF  
GOLDSBORO TO ISSUE BONDS.

WHEREAS, The city of Goldsboro is indebted in the sum of ten thousand dollars, contracted for necessary expenses; and, Preamble.

WHEREAS, The said city of Goldsboro desires to issue bonds in a sufficient amount to pay off said indebtedness; therefore

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of paying said indebtedness of the city of Goldsboro, the Board of Aldermen of the city of Goldsboro are authorized and empowered to issue bonds to an amount not exceeding in the aggregate the sum of ten thousand dollars, of such denominations and in such proportions as the Board of Aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half yearly at such times and at such place or places as may be deemed advisable by said board, said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times not exceeding thirty (30) years from the date thereof and at such place or places as the Board of Aldermen may determine, each of said bonds to state on its face

Board of Aldermen authorized to issue bonds.

Amount of issue.

Interest.

Form of bonds, etc.

Maturity.

that said bond was issued to pay indebtedness of the city of Goldsboro contracted for necessary expenses of said city.

Bonds not to be sold below par.

SEC. 2. That none of the bonds provided for in the above section shall be disposed of, either by sale, exchange, hypothecation or otherwise, for a less price than their par value.

Bonds and coupons non-taxable.

SEC. 3. That the bonds authorized to be issued by section one (1) hereof and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of the taxes or other city dues for any fiscal year in which said coupons become due or thereafter; and if the

Coupons receivable for taxes, etc.

Failure to present bonds or coupons on maturity stops interest.

holder of any of said bonds or coupons shall fail to present the same for payment at the time or times and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Aldermen authorized to levy special tax for payment of interest on bonds.

SEC. 4. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the Board of Aldermen of said city shall annually and at the time of levying other city taxes levy and lay a particular tax on all persons and subjects of taxation on which the said Board of Aldermen now are or may hereafter be

Amount of tax.

authorized to lay and levy taxes for any purposes whatever, said particular tax not to be less than five nor more than twenty cents on the one hundred dollars assessed valuation on property, and not less than fifteen nor more than sixty cents on each poll. The taxes provided for in this section shall be collected in

Manner of collecting tax.

the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said tax as may be required to pay the interest on the bonds issued as it

Sinking Fund.

falls due, and can not be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at the maturity of the principal of the said bonds; and to insure the due investment of the amounts collected from year to year in excess of that required to pay the said interest, the Board of Aldermen shall appoint some suitable person, to be styled

Commissioner of Sinking Fund.

"Commissioner of the Sinking Fund of the City of Goldsboro," who shall hold his office for six years, and whose duty it shall be, under such rules and regulations as said Board of Aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid, as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services, in connection with said banks, as said Board of Aldermen may prescribe, and such Commissioner shall give bond and receive such compensation for his services as said Board of Aldermen may determine.

Bond and compensation of commissioner fixed by aldermen.

SEC. 5. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

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#### CHAPTER 389.

### AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ROANOKE RAPIDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter fifty-three of the Private Laws of 1897, be amended to read as follows: "The corporate limits of said town shall be extended three hundred feet on the east, south and west beyond its present boundary, the lines to be extended to form a square, and on the north three hundred feet north of the northern boundary of the right of way of the Roanoke Navigation and Water Power Company." Section 2, chapter 53, of Private Laws of 1897, amended.  
Corporate limits extended.

SEC. 2. That section four of said chapter be amended by striking out in the fourth line of said section the words "and the Constable of said town." Section 4 of said chapter amended.

SEC. 3. That section ten of said chapter be amended by striking out "twenty" in the fourth line thereof and inserting "twenty-five" in place thereof, and by striking out "sixty" and putting "seventy-five" in place thereof. On every person, company or firm (apothecaries and druggists excepted) retailing and selling spirituous, vinous or malt liquors, a license tax for every place in which such business is or is to be conducted by retail, not less than two hundred nor more than four hundred dollars, to be paid annually in advance. Section 10 amended as to license for sale of liquor.

SEC. 4. That said chapter be further amended by adding to section four the following: "The Commissioners of said town shall have authority to elect a Constable of said town, whose term of office shall be the same as that of the Commissioners; said Constable shall have all the powers conferred on him by said act, and shall also have the same powers to serve civil process within the limits of said town as the Sheriff of the county shall have." Commissioners to elect constable.  
Term of office.  
Powers.

SEC. 5. That said town shall have authority and power to build a bridge or maintain a public ferry across Roanoke River at any point within three miles above or below said town, with the right to charge reasonable tolls or ferriage from its patrons. The Bridge or ferry.  
Can charge toll.

May lease or sell  
privileges.

Can condemn  
property for use  
of bridge or ferry.

town may lease or sell this privilege, through its Board of Commissioners, to any person or corporation, and may so lease or sell such bridge or ferry after the same has been erected. The said town shall have power to condemn any private property necessary for the use of said bridge or ferry, and the proceedings in such condemnation shall be the same as are provided in The Code for the condemnation of land for railroad purposes.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 390.

### AN ACT TO AMEND THE CHARTER OF THE CHARLOTTE ELECTRIC RAILWAY, LIGHT AND POWER COMPANY.

*The General Assembly of North Carolina do enact:*

Charter of Charlotte Street Railway Company amended.

SECTION 1. That the charter of the Charlotte Street Railway Company, now the Charlotte Electric Railway, Light and Power Company, be amended by striking out in section three of chapter thirty-two of the Laws of 1883, the words "within the vicinity thereof," in line seven of said section, and inserting in lieu thereof the words "within the county of Mecklenburg," so that the said company may have power to construct its railway to any points within the said county.

To apply to  
whole county.

To have power to  
acquire and hold  
water rights and  
necessary land on  
the Catawba  
River

SEC. 2. That the said company shall have power to acquire and hold water rights on the Catawba River, and land which may be necessary and proper for the development of water power on the said stream.

To have the same  
rights as those  
conferred upon  
the City Suburban  
Electric  
Company of Charlotte.

SEC. 3. That the Charlotte Electric Railway, Light and Power Company, in addition to the rights and powers heretofore conferred upon it, shall have the same rights, powers and privileges conferred upon the City Suburban Electric Company of Charlotte, by chapter 131, of the Laws of 1899, and all the provisions of that act, relating to the acquisition of rights and property and the protection thereof, and relating to the powers and duties of the servants and agents of the corporation, shall become a part of the charter of the said corporation.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 391.

AN ACT TO AMEND CHAPTER 198 OF THE PRIVATE LAWS OF 1887, THE SAME BEING ENTITLED "AN ACT TO INCORPORATE THE TOWN OF VICTORIA, IN THE COUNTY OF HUNCOMBE."

*The General Assembly of North Carolina do enact:*

SECTION 1. Section seven of said act is hereby amended by substituting for the word "twelve" where the same occurs therein, the word "ten." Section 7, chapter 198, Private Laws of 1887, amended.

SEC. 2. Section two of said act is hereby amended so that the same shall read as follows: "Section 2. That the corporate limits of said town shall be as follows: Beginning on the east bank of the French Broad River at the lower corner of land formerly of Rev. John K. Connally and now of George W. Vanderbilt, running thence easterwardly along the northerly line of said land and land now of said Connally, to the westerly line of land of Robert H. Garrett; thence northwardly along the westerly line of said last-mentioned land to the northwesterly corner thereof; thence eastwardly along the northerly line of said land of Robert H. 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 southwest corner of the land of the late Rev. L. M. Pease; thence northwardly along the westerly line of said land of late 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 road between the Baird property and the old Newton Academy lot at 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." Section 2 amended. Corporate limits.

SEC. 3. Section nine of said act is hereby amended by inserting in line eighteen thereof after the word "town" the words "or of the county of Huncombe," and by adding at the end of said section nine the following words: "The said Commissioners shall also" Section 9 amended.

Can construct and maintain water mains for the use of town.

have power to lay and construct along its highways, or to acquire, by purchase or otherwise, and to maintain such water-mains or pipes for the conveyance of water as they may deem proper for the use of the town, and to construct or to acquire and to maintain such water-works or sources and means of water supply as they may deem proper, and to pay for the laying, construction or acquisition of such water-mains, water-pipes and sources and means of water supply.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

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#### CHAPTER 392.

### AN ACT TO REPEAL THE CHARTER OF THE SOUTHPORT, WILMINGTON AND WESTERN RAILROAD COMPANY.

#### Preamble.

WHEREAS, Henry M. Kurtz, B. F. Mayer, Warren H. Sage, Chas. H. Stockley, W. R. Leshet, John C. Grosler, Ralph M. Bowman, William W. Turner, Arthur Forbes, R. G. Stafford, Horace G. Kines, Joseph T. DeSilver, N. J. Scott, J. Carpenter Rhoads, J. S. Somborn and others named as corporators, who signed the articles of association filed in the office of the Secretary of State on the 2d day of September, 1899, recorded in the book of "Railroad Companies," pages 300 to 308, both inclusive, obtained from the State a charter for the "Southport, Wilmington and Western Railroad Company;" and,

WHEREAS, The aforesaid company has failed of the accomplishment of the purposes for which said company became incorporated; and,

WHEREAS, The corporators named above have petitioned this General Assembly to pass an act repealing the charter of the said Southport, Wilmington and Western Railroad Company, of which due notice has been published for thirty (30) days in the *Daily Morning Star*, a newspaper published in the city of Wilmington, N. C.:

*The General Assembly of North Carolina do enact:*

#### Charter repealed.

SECTION 1. That the charter of the Southport, Wilmington and Western Railroad Company be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 393.

## AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the end of section 65 of said act add the following "That whereas the city of New Bern is indebted to various and sundry persons in various amounts evidenced by judgments, notes, bonds, vouchers and other evidences of debt, amounting to about the sum of ten thousand dollars, other than the bonded debt created for the purchase of the water and sewer system, all of said indebtedness now existing having arisen and having been created for the actual operating and necessary expenses of said city, and said city desiring to fund and discharge said debts and interest thereon, therefore the said city of New Bern is authorized and empowered to issue bonds, in denominations of not less than ten thousand dollars, and running for a period of not more than thirty years, bearing interest at a rate not exceeding 5 per cent per annum, bearing coupons representing semi-annual proportions of interest, due upon said bonds, payable semi-annually, and said coupons and the interest accruing upon said bonds, shall at all times be receivable in the payment of city taxes when presented to the Tax Collector of said city, during the current year in which said coupons shall fall due, and said taxes are payable and said bonds when so issued for the purposes aforesaid, are hereby declared to have been issued for the payment of the actual necessary expenses of said city; and said debts herein described and for which said bonds are authorized are hereby declared to be debts due for the actual and necessary expenses of said city, and said bonds when issued shall bear upon their face the words "Issued for the necessary expenses of the city." Said bonds shall be signed by the Mayor and City Clerk of said city, and shall bear the common seal when so issued; the Board of Aldermen may sell and dispose of the same to the best advantage at a sum not less than par value thereof, or may in their discretion exchange the same with the holder of any of said debts, at the value of said bonds. But said bonds in the aggregate so issued shall not exceed the sum of ten thousand dollars.

City of New Bern authorized to issue bonds to fund outstanding indebtedness; minimum amount of issue.

Maturity.  
Rate of interest, etc.

Coupons receivable for city taxes.

Bonds issued for payment of actual expenses of city.

Bonds to be signed by mayor and city clerk; to be sold by aldermen at not less than par.

Maximum amount of issue.

SEC. 2. That the said Board of Aldermen for the better regulation and operation of the said system of sewerage and water, which system shall be hereafter known by the name of "The New Bern Water-Works," may proceed, upon the ratification of this act, to the election of a Superintendent of Public Works, for the term of two years from the date of his said election, and may

Water and sewerage system to be known as "The New Bern Water Works."

Election of superintendent.

Term of office.

Other officers and employees and terms of office.	proceed to appoint and elect engineers, firemen and linemen and other necessary employees for a like term, and may fix and determine their salaries and compensation and may provide from time to time the duties of said Superintendent and employees; and said board may remove said officers and employees at any time during their said term for misfeasance, malfeasance, or any neglect or misconduct in office, and may fill said vacancies, so caused, or vacancies occurring for any other cause, until the next regular election of said officers and employees as provided for by this section. And said board are authorized and empowered to make all proper rules and regulations as to the use of and introduction of water into the houses of the said city and upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper; and the said Superintendent is hereby authorized and empowered to enter, after demand and refusal, at all reasonable hours, any dwelling or other places where such water is taken and used, where any unnecessary waste or any obstruction of pipes, or improper condition of sewerage or connections, is known or suspected, and examine and enquire into the cause thereof, and inspect the said pipes, and if any person refuses to permit such examination or inspection, or obstruct such officer in the discharge of his said duty, he or they shall be guilty of a misdemeanor and fined ten dollars for each and every offence, and the supply of water may be cut off until the required examination and inspection is made, and the required alteration, repairs and removal of obstructions from pipes, shall be made thereto, or such unnecessary waste prevented. And said Board of Aldermen are authorized and empowered to cut off the water and sewer service to any person and from any premises where, after demand, the rental for said service is not paid as required.
Duties.	
Removals from office.	
Vacancies, how filled.	
Rules and regulations, by whom made.	
Superintendent authorized to enter dwellings, etc., to inspect pipes.	
Penalty for refusal to admit officer after demand.	
Water supply to be cut off during inspection and repairs.	
Water supply and sewer service to be cut off where same is not paid for.	

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 394.

### AN ACT TO INCORPORATE THE ASHEVILLE SAVINGS INSTITUTION, OF ASHEVILLE, N. C.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That R. S. Howland, J. E. Rankin, T. W. Raoul, Erwin Sluder, D. C. Waddell, Jr., Geo. S. Powell, J. C. Martin, Robert N. Garrett, H. T. Collins, A. H. McQuilkin, and Charles L.



Minor, all of the city of Asheville, North Carolina, be and they are hereby created and made a body corporate by the name and style of the "Asheville Savings Institution," and they and such others as shall be elected members of said corporation, as in this act provided, shall be and remain a body corporate for a term of sixty (60) years; may have a common seal which they may change and renew at pleasure; may sue and be sued; may defend and shall be holden to answer, in any court in this State, and at any legal meeting thereof shall have full power and authority to make and establish such rules, regulations and by-laws for the government of said corporation and the management of its affairs as they may deem necessary and expedient: *Provided*, the same are not repugnant to the laws of the United States or of this State; and shall also have power and authority, at any legal meeting, to elect, by ballot or otherwise, any other person or persons, members of said corporation.

Corporate existence.  
Corporate powers.

SEC. 2. Said corporation shall meet in Asheville on the first day of July in each year: *Provided*, that if said first day shall fall upon Sunday, then said corporation shall meet on the next succeeding day, and as much oftener as they may judge expedient. Any five members, of whom two at least shall be directors, shall be a quorum. The Asheville Savings Institution shall have power, at the annual meeting thereof, to elect a president, vice-president, and not less than five nor more than nine directors, who, together, shall constitute a Board of Trustees, who shall have the management of the affairs of said corporation, and shall continue in office one year, and until others are chosen in their room. The president and vice-president and each director shall signify his acceptance of said trust, in writing to the secretary, which acceptance shall be recorded.

Corporate meetings.

Quorum.

Officers, election provided for.

Powers.

Term of office.

Acceptance of office to be signified in writing.

SEC. 3. Said corporation shall be capable of receiving from any person or persons any deposit or deposits of money, and to use and improve the same for the purpose, and according to the directions herein provided: *Provided*, that the whole amount so received shall not at any time exceed two thousand (\$2,000.00) dollars from any one depositor, or two millions (\$2,000,000.00) of dollars in all.

Corporation can receive deposits.

Maximum limits of deposits.

SEC. 4. All moneys received by said corporation on deposit or otherwise, shall be used, improved, or invested by the Board of Directors or Trustees, to the best advantage of such depositors, and the income of profits thereof shall be by them applied and divided among the several depositors, their heirs, executors, or administrators, in just proportions, with such reasonable deductions for the expenses and management of the affairs of said corporation, as the same may require. And said corporation shall not be allowed to hold a surplus exceeding five (5) per cent after

Deposits to be invested.

Profits to be divided among depositors.

Limit as to surplus.

the interest has been paid or credited to the depositors, and the current expenses paid.

Interest on accounts, etc., to cease after twenty years.

SEC. 5. All accounts on which no deposit or draft shall be made for twenty years in succession, shall be so far closed that neither the sums deposited, nor the interest which shall have accrued thereon, shall be entitled to any interest after the expiration of twenty years from the time of the last deposit or draft.

Limit as to real estate for business.

SEC. 6. This corporation may purchase and hold such real estate as may be convenient for its business, not exceeding the sum of twenty thousand (\$20,000.00) dollars; and may hold such other real estate as may have been mortgaged to them for moneys loaned, agreeable to the provisions of this act; and may also hold any real estate purchased at sales or judgments or decrees obtained or rendered for moneys loaned; and said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose; and the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares or commodities whatever, except in cases specially authorized by this act, and except, also, such articles as may be necessary and convenient for the transaction of its business. All conveyances of real estate from said corporation, by deed, shall be by the president and the treasurer, under their respective names and stations.

May hold mortgages and other real estate.

Can not trade in goods or wares, except as provided.

Conveyances of real estate by corporation, how made.

Provision as to rights of certain depositors to control deposits.

SEC. 7. All persons of any age shall have a right to deposit in this institution under the rules and regulations which may be established by the Board of Directors, and all deposits made by married women, personally, may be legally withdrawn by them, and all drafts, receipts or other writings touching said deposit or deposits, shall be valid or binding to parties; and every minor, whether under guardianship or not, who shall personally deposit in said institution, may control said deposit, and withdraw the same, or receive the income thereon, as effectual and valid in law, as if he had been of full age.

Object of corporation.

SEC. 8. *Object of this corporation:*

1. To enable all persons to invest such part of their earnings or property as they may choose in a manner which will afford them security and profit.

Board of Directors; other officers, how elected.

2. *Management.*—The affairs of said corporation shall be managed by a president, vice-president, and not less than five nor more than nine directors, who, together, shall constitute the Board of Trustees as aforesaid. They shall have power to elect a treasurer and secretary, and such other officers as they may deem expedient, and to fill all vacancies in their board which may happen during the year. In electing treasurer, secretary or other officers, or in filling vacancies in their own board, there shall be present a majority of the board, including either the

Vacancies, how filled.

Quorum for election of officers.

president or vice-president. They shall meet at least twice in every year, and as much oftener as they may deem necessary; and also, whenever the president or any two directors shall require it; and it shall be the duty of the treasurer to notify such meetings, either by personal notice or by advertisement in one of the newspapers printed in Asheville; and at all meetings of the Board of Trustees, except for the election of officers, as aforesaid, three members shall make a quorum. It shall be the duty of the Board of Trustees to cause the moneys deposited to be invested in some public stocks, in bank or other stocks, or in private securities, according to law, at the discretion of the standing committee of the board. The members of the board shall not receive any emoluments for their services, nor shall any money be loaned to any individual member thereof, and any member of the board, who shall be present when any loan to an individual member shall be made, and shall not at that time request his protest to be entered in writing on the records of the proceedings of the board against the same, shall be considered and held liable for the amount of every such loan in his individual person and property. The said members of the board (except as aforesaid) shall not be responsible for any losses which may happen from whatever cause, except their wilful, corrupt misconduct, in which case those only who were present and guilty of such misconduct shall be responsible for the same. The Board of Trustees at any meeting at which a majority of the members are present, may appoint a standing committee of not less than three of said board, who may, under the general regulations and by-laws, established by said board, superintend the deposits and negotiate the loans made by this corporation; and the said board may, a majority being present, and after notice of such intention, at some previous meeting of such board, make such other and further rules, regulations and by-laws or alterations of those already made as they may think expedient; the said corporation having the right at any regular meeting thereof afterwards, of disallowing the same; all such rules, regulations and by-laws and alterations shall be equally binding on all depositors, as those by them subscribed, the same being first duly made known.

3. *The Treasurer.*—The treasurer before he enters on the duties of his office shall give bonds with sufficient surety or sureties to the corporation, to be determined by the Board of Trustees, for the faithful discharge of the duties of his office. He may receive such reasonable compensation for his services as may be allowed by the Board of Trustees, but no money shall be loaned to him; he shall receive all deposits, enter the same on the books of the corporation, pay out all dividends which may be declared and render an account of the property and funds of

Time of meeting provided for.

Quorum for ordinary business.  
Moneys, by whom invested.

Members of board to receive no emoluments or loans.

Member who does not file protest to loan made to other members in his presence liable for amount of loan.

Members of board not liable from losses except from own misconduct.

Standing committee.

Rules and regulations.

Treasurer, his powers and duties.

the corporation to the Board of Trustees or the corporation when required thereto by a vote. He shall notify all annual or special meetings of said corporation in one of the newspapers published in Asheville at least five days before the same is held.

4. All deposits shall be made at the office of the treasurer in the city of Asheville. The smallest deposit and lowest sum which shall be put on interest, shall be one dollar. An account shall be given in a book or otherwise to each depositor, by the treasurer of the sum deposited, which shall be the evidence of the depositor's property in said corporation, who shall, on making first deposit, subscribe and thereby signify his assent to the rules, regulations and by-laws of the corporation. Any depositor, at the time of making his deposit, may designate the period for which he is desirous the same should remain, and the person or persons for whose benefit the same is made, which shall be binding on him and his legal representative: *Provided, however,* that said deposit and its accruing dividends, may be paid off according to the provisions hereinafter mentioned.

Dividends on  
deposits.

5. At such times as the Board of Trustees shall determine, there shall be declared and paid on all sums of and above one dollar, which shall have been deposited, a dividend of such per centum per annum as the board shall determine; and a proportionate rate of interest shall be paid on any such sum which shall have been deposited for the space of three months preceding. No interest shall be paid on any sums withdrawn for the period which may have elapsed since the last dividend: *Provided,* that at the time of making any dividend, or within one month thereafter, the Board of Trustees may, at their pleasure, pay off the whole or any deposits due to any depositors whose aggregate sum shall amount to two hundred dollars, or such proportion thereof as they may think proper.

Mode of receiving  
dividends and  
of withdrawing  
deposits.

6. *Mode of receiving dividends and of withdrawing deposits.*—Dividends may be received either personally or by the order in writing of the depositors, or by letter of attorney. Deposits shall only be withdrawn by the depositor, or some person by him or her legally authorized; but no person shall receive any part of his principal or dividend without producing the original book, that such payment may be entered thereon: *Provided, however,* that in case of accidental loss of the original book, the Board of Trustees may determine upon what terms a new book may be granted. No money shall be withdrawn except one week's notice of the intention to withdraw the same shall be given by such depositor to the treasurer in writing, unless the consent of three of the trustees shall have been obtained therefor, and no sum less than one dollar shall be withdrawn.

7. *Institution, how dissolved.*—The Board of Trustees by vote of

the major part of the whole number, may at any time divide the whole property among the depositors in proportion to their respective interests therein, upon giving three months' notice thereof, and shall also have the power to refuse any deposit after they have determined to dissolve said corporation.

Institution, how dissolved.

SEC. 9. The foregoing shall be the regulations for the government of said corporation as part of this act.

Government of corporation.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 395.

### AN ACT EXTENDING THE CHARTER OF THE ATLANTIC AND WESTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the Atlantic and Western Railway company be, and the same is hereby extended for two years from the passage of this act.

Charter extended; time.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 396.

### AN ACT AUTHORIZING THE COMMISSIONERS OF RICHMOND COUNTY TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Richmond County be and they are hereby authorized and empowered at any time within two years from the date of the ratification of this act to issue coupon bonds of the county of Richmond to an amount not to exceed ten thousand dollars (\$10,000.00) for the purpose of liquidating Richmond County's part of the outstanding indebtedness existing against Richmond County before the same was divided by the creation of Scotland County.

County commissioners empowered to issue bonds for liquidating indebtedness of county.

Bonds; denomi-  
nations of; matur-  
ity of; rate of  
interest, etc.

SEC. 2. That said bonds shall be issued in denominations of \$100.00, or any multiple thereof, shall run for not less than ten nor more than thirty years, and shall bear interest at the rate of six per centum per annum, payable semi-annually on the first days of January and July of each and every year until said bonds shall be paid, said interest to be evidenced by coupons attached thereto.

Bonds exempt  
from taxation;  
coupons receiv-  
able for taxes.

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

Bonds not to be  
sold below par.

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

Payment of inter-  
est and sinking  
fund provided for  
by special tax.

SEC. 5. That the said Commissioners of Richmond County shall at the meeting of said Board each year at which the general tax levy is made levy a special tax for the purpose of paying the interest on said bonds, which tax shall be used solely for that purpose and for no other; and that at any of their said meetings they are empowered to levy separately and set apart for that purpose a special tax to pay the amount of bonds so issued till the same are paid in full, and the taxes levied to pay said bonds shall be used solely for that purpose and for no other.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 397.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO, AND TO REVISE AND CONSOLIDATE ALL LAWS IN RELATION TO SAID CITY.

*The General Assembly of North Carolina do enact:*

Corporate name.

SECTION 1. That the inhabitants of the city of Goldsboro shall be and continue as they heretofore have been, a body politic and corporate, and henceforth that corporation shall bear the name and style of the City of Goldsboro, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may acquire and hold for the purpose of its government and welfare and improvement all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value three hundred thousand dol-

Rights.

Powers.

lars and shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

SEC. 2. That the corporate limits of the city of Goldsboro shall be as follows, viz: Beginning at a point in the centre of the main track of the Wilmington and Weldon Railroad, five hundred and fifty (550) yards south of the southern boundary line of Elm street in said city and running thence south seventy-two degrees east thirteen hundred and sixty-five (1,365) yards to a stake; thence north eighteen degrees east to Ashe street, extending eastward; thence along said Ashe street to Marsh Branch or big ditch; thence up said branch to the centre of the Atlantic and North Carolina Railroad track; thence north eighteen degrees east one hundred and forty-five (145) yards to a stake on or near said branch; thence north seventy-two degrees west to the centre of the Wilmington and Weldon Railroad track; thence south eighteen degrees west along said track one hundred and seventy-five (175) yards; thence north seventy-two degrees west to a point intersected by the northern extension of the west boundary line of George street; thence north seventy-two degrees west two hundred and thirty (230) yards from said intersecting point to a stake; thence south eighteen degrees west to the southern boundary line of the old county road leading from Goldsboro to the old site of the town of Waynesboro; thence along the said south line of said county road to the southeast intersection of Elm street and the new county road leading from Goldsboro to the covered bridge across Nense River; then with said intersection along the eastern line of said new county road two hundred and seventy-five (275) yards to a stake; thence south seventy-two degrees east to the centre of the main track of the Wilmington and Weldon Railroad; then south eighteen degrees west along said track to the beginning. In locating the above boundaries the courses shall be as they were in the year 1848, disregarding any variations of the compass since that time.

Corporate limits.

SEC. 3. That said city be and the same is hereby divided into four (4) wards; denominated the first, second, third and fourth wards, and bounded and described as follows:

Division into Wards.

The First Ward—Beginning at a point in the centre of East Centre and West Centre streets, where the centre of Chestnut street intersects the same and runs thence northwardly with the centre of said East Centre and West Centre streets to the northern boundary line of said city; thence with said boundary line westerly to the northwestern corner in said boundary line; then with said boundary line southerly to a point opposite to the centre of said Chestnut street; then easterly to and with the centre of said street to the beginning.

Boundaries of wards.

lid of sufficient size to admit a single folded ballot and no more. The judges of election before the voting begins shall carefully examine the ballot boxes and see that there is nothing in them.

Challenges, how  
and when tried.

SEC. 9. That it shall be the duty of the registrar and judges of election to attend at the polling places of their ward or precinct with the registration books on Saturday preceding the election from the hour of nine o'clock a. m. till the hour of five o'clock p. m. when and where the said books shall be open to the inspection of the electors of said ward or precinct, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before election day when he, together with said judges of election, shall hear and decide said objection, giving due notice to the person so objected to: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register, at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified the registrar shall erase his name from the books.

Proviso as to  
challenges at  
other times.

Ballots, descrip-  
tion of.

SEC. 10. The ballots shall be written or printed on white paper, without device. The Mayor shall be voted for on one ballot and the Aldermen shall be voted for on one ballot.

Counting of bal-  
lots.

SEC. 11. When the election shall be finished the registrars and judges of election, in the presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for or shall have a device upon it, in either of these cases such ticket shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared.

Board of canvass-  
ers.

SEC. 12. The judges of election in each ward or precinct shall appoint one of their number or the registrar to attend a meeting of the board of city canvassers, as a member thereof, and shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such ward or precinct, and the members of the several wards or precinct boards of election, who shall have been so appointed, shall attend the meeting of the board of city canvassers for such election at the Mayor's office at 10 o'clock a. m. on the day succeeding the election. Such board of city canvassers shall organize by electing one of their number chairman and one of their num-



ber secretary, and a majority of said board so appointed shall constitute a quorum or said board of city canvassers, and said board shall open and inspect such election returns and forthwith declare the result of said election.

SEC. 13. All electors who shall have resided in the State twelve months, and in the city of Goldsboro ninety days, and in the ward for which they offer to register thirty days next preceding the election shall be entitled to register.

Electors, qualifications of.

SEC. 14. That all elections held by virtue of this act shall be held under the supervision of the Sheriff of Wayne County, who shall attend the polls, and by himself and his deputies preserve order.

Elections, how held.

SEC. 15. That the Mayor and Aldermen shall hold their offices, respectively, until the next succeeding election, and until their respective successors are qualified.

Officers to hold offices until successors qualify.

SEC. 16. That the Mayor immediately after his election and before entering upon the duties of his office, shall take before a Justice of the Peace the following oath:

Mayor, oath of office.

"I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully according to my best skill and ability all the duties of the office of Mayor of the city of Goldsboro, while I continue therein; and I will cause to be executed as far as in my power lies all the laws, ordinances and regulations enacted for the government of the city; and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

SEC. 17. That on Thursday succeeding the day of election, the Aldermen elected thereat shall qualify by taking the oath of office before the Mayor or a Justice of the Peace, as prescribed for commissioners of incorporated towns, and when organized shall succeed to have all the rights, powers and duties prescribed by law.

Aldermen, oath of office.

SEC. 18. That if any person chosen Mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the Aldermen shall choose some qualified person Mayor, for the term, or the unexpired portion of the term, as the case may be; and on like occasions, and in like manner, the Aldermen to supply the place of such as shall refuse to act, and all vacancies which may occur, and such persons only shall be chosen as are herein before declared to be eligible.

Vacancies, how filled.

SEC. 19. That in case of failure to elect municipal officers, as herein provided, the electors residing within said city of Goldsboro may, after ten days' notice, signed by any three of said electors, and posted up at three public places within the corporate limits of said city, proceed to hold an election for municipal officers in the way and manner provided for in this act.

Provisions for calling election on failure to elect officers at regular time.

SEC. 20. That the Mayor of said city is hereby constituted an inferior court, and as such shall within the corporate limits of

Mayor, jurisdiction of.

lid of sufficient size to admit a single folded ballot and no more. The judges of election before the voting begins shall carefully examine the ballot boxes and see that there is nothing in them.

Challenges, how  
and when tried.

SEC. 9. That it shall be the duty of the registrar and judges of election to attend at the polling places of their ward or precinct with the registration books on Saturday preceding the election from the hour of nine o'clock a. m. till the hour of five o'clock p. m. when and where the said books shall be open to the inspection of the electors of said ward or precinct, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before election day when he, together with said judges of election, shall hear and decide said objection, giving due notice to the person so objected to: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register, at any time other than that above specified. If any person challenged or objected to shall be found not duly qualified the registrar shall erase his name from the books.

Proviso as to  
challenges at  
other times.

Ballots, descrip-  
tion of.

SEC. 10. The ballots shall be written or printed on white paper, without device. The Mayor shall be voted for on one ballot and the Aldermen shall be voted for on one ballot.

Counting of bal-  
lots.

SEC. 11. When the election shall be finished the registrars and judges of election, in the presence of such of the electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for or shall have a device upon it, in either of these cases such ticket shall not be numbered in taking the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed and the result thereof declared.

Board of canvass-  
ers.

SEC. 12. The judges of election in each ward or precinct shall appoint one of their number or the registrar to attend a meeting of the board of city canvassers, as a member thereof, and shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such ward or precinct, and the members of the several wards or precinct boards of election, who shall have been so appointed, shall attend the meeting of the board of city canvassers for such election at the Mayor's office at 10 o'clock a. m. on the day succeeding the election. Such board of city canvassers shall organize by electing one of their number chairman and one of their num-

ber secretary, and a majority of said board so appointed shall constitute a quorum of said board of city canvassers, and said board shall open and inspect such election returns and forthwith declare the result of said election.

SEC. 13. All electors who shall have resided in the State twelve months, and in the city of Goldsboro ninety days, and in the ward for which they offer to register thirty days next preceding the election shall be entitled to register. Electors, qualifications of.

SEC. 14. That all elections held by virtue of this act shall be held under the supervision of the Sheriff of Wayne County, who shall attend the polls, and by himself and his deputies preserve order. Elections, how held.

SEC. 15. That the Mayor and Aldermen shall hold their offices, respectively, until the next succeeding election, and until their respective successors are qualified. Officers to hold offices until successors qualify.

SEC. 16. That the Mayor immediately after his election and before entering upon the duties of his office, shall take before a Justice of the Peace the following oath: Mayor, oath of office.

"I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully according to my best skill and ability all the duties of the office of Mayor of the city of Goldsboro, while I continue therein; and I will cause to be executed as far as in my power lies all the laws, ordinances and regulations enacted for the government of the city; and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

SEC. 17. That on Thursday succeeding the day of election, the Aldermen elected thereat shall qualify by taking the oath of office before the Mayor or a Justice of the Peace, as prescribed for commissioners of incorporated towns, and when organized shall succeed to have all the rights, powers and duties prescribed by law. Aldermen, oath of office.

SEC. 18. That if any person chosen Mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the Aldermen shall choose some qualified person Mayor, for the term, or the unexpired portion of the term, as the case may be; and on like occasions, and in like manner, the Aldermen to supply the place of such as shall refuse to act, and all vacancies which may occur, and such persons only shall be chosen as are herein before declared to be eligible. Vacancies, how filled.

SEC. 19. That in case of failure to elect municipal officers, as herein provided, the electors residing within said city of Goldsboro may, after ten days' notice, signed by any three of said electors, and posted up at three public places within the corporate limits of said city, proceed to hold an election for municipal officers in the way and manner provided for in this act. Provisions for calling election on failure to elect officers at regular time.

SEC. 20. That the Mayor of said city is hereby constituted an inferior court, and as such shall within the corporate limits of Mayor, jurisdiction of.

the city of Goldsboro have all the powers, jurisdiction and authority of a justice of the peace in criminal cases to issue process and also to hear and determine all causes of action which may arise upon the ordinances and regulations of the city, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the Board of Aldermen. The Mayor shall further be a special court within the corporate limits of the city, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the city, and if the accused be found guilty, he shall be fined at the discretion of the court or Mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the Mayor or court trying the same, such offender may be imprisoned not more than thirty days in the city lock-up, or in the common jail of the county. And in all cases where a defendant may be adjudged to be imprisoned by the said special court, it shall be competent for said court to adjudge also that the said defendant work during the period of his confinement in the public streets or other public works of said city.

Precepts, how executed.

SEC. 21. That the Mayor may issue his precepts to the Chief of Police or any policeman of the city, and to such other officers to whom a Justice of the Peace may direct his precepts, and such officers may execute such process anywhere in the county of Wayne; and the Mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings.

Violation of ordinances a misdemeanor; penalty.

SEC. 22. That any violation of a city ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars, or imprisonment of not more than thirty days. And no preliminary affidavit shall be necessary to give the Mayor final jurisdiction over the offenses against the city ordinances.

Fines and costs, how disposed of.

SEC. 23. That all fines and costs collected under the provisions of this act, for violation of the ordinances of said city, shall go to the use of said city.

Mayor's salary, how fixed; duties, powers.

SEC. 24. That the Mayor shall receive an annual salary, to be fixed by the Board of Aldermen and to be paid in monthly installments, and when present he shall preside at all meetings of the Board of Aldermen, and when there is an equal division upon any question, or in the election of officers by the Board he shall determine the matter by his vote, but he shall vote in no other case. The Board of Aldermen shall appoint one of their number *pro tempore* to perform the duties of the Mayor in the event of the absence of the Mayor from the city, or in case of sickness of the Mayor, or other causes which would prevent the Mayor from attending to the duties of the office. The term of office of said Mayor *pro tempore* shall continue from the date of his appointment to the close of his term of office as Alderman.

Mayor pro tem, how appointed; duties, term of office, etc.

SEC. 25. That the Aldermen shall form one Board, and a majority of them shall be competent to perform all the duties prescribed by the Aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often, at least, as once in every calendar month. Special meetings of the Aldermen may also be held on the call of the Mayor or a majority of the Aldermen; and of every such meeting when called by the Mayor, all the Aldermen, and when called by a majority of the Aldermen, such as shall not join in the call shall be notified in writing.

Board of Aldermen, how constituted; quorum. Proviso as to first meeting and regular meetings thereafter.

Special meetings, how called.

SEC. 26. That if any Alderman shall fail to attend a general meeting of the Board of Aldermen, or any special meeting of which he shall have notice as prescribed in this charter, unless prevented by such cause as shall be satisfactory to the Board, he shall forfeit and pay for the use of the city the sum of four dollars.

Fine for non-attendance of meetings.

SEC. 27. That among the powers herein conferred on the Board of Aldermen, they shall provide water, provide for repairing and draining the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint the police force, and regulate, suppress and remove nuisances, preserve the health of the city from contagious or infectious diseases, appoint constables to execute such precepts as the Mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the city, and shall appoint and provide for the pay and prescribe duties of all such other officers as may be deemed necessary.

Specific powers of Board of Aldermen.

SEC. 28. That the aldermen at their first meeting after their election, or as soon thereafter as possible, shall appoint a Clerk, a Treasurer, a Collector of Taxes, a Chief of Police, and one or more assistants, who shall respectively hold their offices during the official term of the Aldermen, subject, however, to removal at any time and others appointed in their stead, for misbehavior or neglect in office. The Board of Aldermen shall fix the compensation of each of said officers, and no officer shall be allowed to receive fees. Before acting, each of said officers shall be sworn to the faithful discharge of his duties and shall execute a bond payable to the city of Goldsboro in such sum as the Aldermen shall determine.

Other officers, how appointed.

Terms of office.

Removals from office.

Compensation.

Official oaths.

Official bonds.

SEC. 29. That the Clerk shall keep regular and fair minutes of the proceedings of the Board, and preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally shall perform such other duties as may be prescribed by the Board of Aldermen.

Clerk, duties of.

SEC. 30. That every person shall be allowed to inspect the journals and papers of the Board in the presence of the Clerk.

Papers of board subject to inspection.

Treasurer, duties of.

SEC. 31. That the Treasurer shall call on all persons who may have in their hands moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and receive the same, and shall safely keep the same for the use of the city, shall 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 Aldermen whenever requested to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as City Treasurer.

Orders on treasurer.

SEC. 32. That all orders on the treasury shall be signed by the Mayor and countersigned by the Clerk, and shall state the purpose for which the money is applied, and the Treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

Tax collector, duties of, etc.

SEC. 33. The Tax Collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the Board of Aldermen may direct within five days after the list shall have been placed in his hands, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys and coupons on the bonds of the city, as they are collected, to the Treasurer, taking his receipt for the same, and for this purpose he is hereby invested with all the powers which are now or may hereafter be vested in a sheriff or collector of State taxes; he shall rent out the market stalls and vegetable stands, and shall prosecute all persons who retail without having paid the tax imposed, or who shall sell without a license. Also, at every monthly meeting of the Board of Aldermen, he shall produce an abstract showing the sums received by him upon each subject of taxation, and the amounts still due thereon; he shall further specify in said abstract the amount of cash received, and the amount of certificates or other vouchers received in payment of taxes. Which abstract shall be placed in the hands of the Committee on Finance, to be filed with their chairman; and all books and documents belonging to or used in the office of the Collector shall be and are hereby declared to be the property and records of the city, and shall be at all times subject to the inspection and examination of the Mayor and Board of Aldermen. The Collector shall receive for his compensation such fees and commissions as may be allowed by the Board of Aldermen, and he shall, on or before the fifteenth day of April in each year, settle his account in full for the entire amount of taxes levied by the Board, under the

To complete tax list, when.

Same powers as those vested in sheriff for collection of taxes; shall rent out stalls, etc.; shall prosecute persons retailing without license; monthly abstracts.

Fees and commissions.

Settlement of accounts for taxes, when.

supervision of the Committee of Finance; and if the Collector shall have been unable to collect any part of said taxes by reason of the insolvency of any of the persons owing the same, or other good reasons, he shall, on oath, deliver a list of all such insolvents, delinquents and all other tax returns uncollected to the Committee on Finance, to be laid before the Board of Aldermen, and, if approved, he shall be credited with the amount thereof, or so much as may be approved; he and his sureties on his bond shall be answerable for the remainder, and for all other taxes or levies not collected and paid over by him, which he is or may be required by law to collect, and his bond shall be put in suit by the Chairman of the Finance Committee and the City Attorney.

Delinquent list.

Credited with amount of delinquent list.

Sureties, for what answerable.

Bond, when sued.

SEC. 34. That the Board of Aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted up at the court-house door in said city ten days before the first day in May in each year.

Annual transcripts of receipts and disbursements to be posted at court-house.

SEC. 35. That it shall be the duty of the police to see that the laws, ordinances and orders of the Board of Aldermen are enforced, and to report all breaches thereof to the Mayor; to preserve the peace of the city by suppressing disturbances and apprehending all offenders, and for that purpose they shall have all the power and authority vested in sheriffs and county constables; they shall execute all precepts lawfully directed to them by the Mayor or other judicial officers, and in the execution thereof shall have the same powers which the sheriff and constables of the county have, and they shall have the same fees on all processes and precepts executed or returned by them which may be allowed to the sheriff of the county on like processes and precepts, but such fees shall be paid to the Treasurer for the use of the city.

Police, duties of.

Powers.

Fees.

SEC. 36. That for any breach of his official bond by the Treasurer, Clerk, Tax Collector or any other city officer who may be required to give an official bond, he shall be liable in an action on the same in the name of the city at the suit of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Official bonds; suits on, when brought.

SEC. 37. That the Board of Aldermen shall have power to lay out and open new streets within the corporate limits of the city, whenever by them deemed necessary, and have power at any time to widen, enlarge, change or extend or discontinue any street or streets or any part thereof within the corporate limits of the city, 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

Powers of board of aldermen as to streets.



Arbitration, how  
and when con-  
ducted.

land and the Aldermen can not agree as to the damages, then the matter shall be referred to the arbitrators, each party choosing one, who shall be a freeholder and a citizen of the city; and in case the owner of the land shall refuse to choose such arbitrator, then the Sheriff of the county shall in his stead select one for him; and in case the two chosen as aforesaid can not agree, they shall select an umpire whose duty it shall be to examine the land condemned and ascertain the damages sustained, and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the Aldermen the right to use the land for the purposes specified; and all damages agreed upon by the Aldermen or awarded by the arbitrators or umpire shall be paid as other city liabilities, by taxation: *Provided*, that either party may appeal to the Superior Court as now provided by law.

Proviso as to  
appeal from  
decision of arbi-  
trators.

Power to work  
on the streets per-  
sons failing to  
pay fines, penal-  
ties, etc.

SEC. 38. That the Board of Aldermen shall have authority to put to and keep at work upon the streets and public grounds of the city any person or persons who may fail to pay any fine, penalty or forfeiture which may have been imposed on such person or persons by the Mayor of the city; and the said Aldermen shall have authority by the ordinances and by-laws of the city to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied, under such rates for labor and board as the Aldermen may establish.

Taxation, sub-  
jects of.

SEC. 39. That in order to raise a fund for the expenses incident to the proper government of the city, the Aldermen may annually levy and collect the following taxes, viz: Upon all real estate and personal property within the corporate limits of the city; upon all moneys on hand; solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

Taxation, maxi-  
mum rate of.

SEC. 40. That the annual tax on property enumerated in preceding section shall not exceed fifty cents on the one hundred dollars (\$100) valuation thereof, nor shall the poll tax annually exceed one dollar and fifty cents.

Privilege or  
license taxes on  
what levied.

SEC. 41. That in addition to the subjects of taxation for State purposes, the Aldermen shall have power to levy and collect a special or license tax not to exceed one hundred dollars on the following subjects, to-wit: All itinerant merchants, peddlers or auctioneers who shall sell or offer to sell privately or at public outcry within the city limits, whether by ascending or descending bids; all drummers or commercial travellers, each express company, each telegraph office, and each railroad company having a depot within the city limits; each photograph artist and person



taking likenesses of the human face by whatsoever art; each broker, bank or hanker's office; each dealer in cotton futures; each dealer in patent rights; each sewing machine agent; all commission merchants and commercial brokers; each distiller of fruit or grain; each livery stable; every resident or non-resident huckster or trader or agent of such who buys produce on the streets for sale in other markets; each gift enterprise and lottery; each dray; each hack; each omnibus; each hotel; each boarding-house; each barber shop; each advertising agent; each architect or person employed to superintend any building or buildings in construction; each bag factory; each baker and dealer in bread or other products of a bakery; each dealer in confectioneries and fruits; each baggage transfer company; each barrel and crate factory; each bicycle dealer or bicycle repair shop; each bill poster; each bottler of beer or other malt liquors or similar beverage; each bottler of non-alcoholic drinks; each brickyard; each broker in money, stocks or bonds other than banks or bankers; each broker in produce; each broom factory; each buyer and shipper of naval stores; each buyer and shipper of cotton; each buyer or dealer in leaf tobacco; each carriage, cart, wagon or other vehicle repair shop other than bicycle; each manufactory of vehicles of any description; each furniture factory; each agricultural implement factory; each cigar manufactory; each coal, or coal and wood dealer; each contract builder; each cotton compress; each cotton factory; each cotton gin, cleaner or press; each cotton-seed oil mill; each truck; each wagon; each cart; each electric light business; each flouring mill; each gas company; each fitter and plumber; each grist-mill; each dealer in hides and furs; each ice house; each ice factory; each junk shop; each laundry; each marble and stone yard; each market; each mattress factory; each merry-go-round, or flying ponies, blowing machines, lifting machines, or any other exhibition whatsoever of like character; each oil company, or wholesale dealer in lubricating and illuminating oils; each peddler and transient dealer; each piano and organ tuner and repairer; each rice-mill; each sash, door and moulding factory; each sausage factory; each blacksmith shop; each tin shop; each shoe shop; each carpenter shop; each tailor shop; each gunsmith shop; each shuttle-block factory; each steam saw-mill; each telephone company; each tobacco manufacturer; each tobacco warehouse; each undertaker; each cabinet shop; each upholsterer and paper hanger; each warehouse company; each wood dealer; each lightning-rod agent; each auctioneer; on every agency for the sale of steam engines, boilers and machinery not manufactured in the city of Goldsboro; every dealer in buggies, wagons or other vehicles not manufactured in said city; each fire or life insurance agent; each

and every dentist; each physician, and each lawyer, optician, civil engineer, real estate agent or broker, aurist, oculist and chiropodist; on every dealer in horses or mules sold, bartered or exchanged; every cattle, horse or mule drover or dealer, and every agency for the sale of snuff, tobacco or other articles of merchandise and manufactured in this city, and all other subjects taxed by the State.

General power of  
levying privilege  
or license taxes.

SEC. 42. That the Aldermen of the city of Goldsboro, in addition to the powers of taxation already granted in the charter of said city, and the amendments thereto, shall be and are hereby empowered to levy and collect annually a privilege or license tax on all trades, professions, agencies, business operation, exhibitions and manufactories in said city of Goldsboro.

Taxes a lien on  
personalty from  
date of levy, and  
on real property  
from June 1st of  
year in which  
levied.

SEC. 43. That all taxes levied by the Board of Aldermen shall be a lien upon the personal property of the tax-payers from date of levy thereon, and upon the real property from the first day of June of the year in which the said tax is levied. That after the first day of January of each year the Tax Collector is authorized to levy upon and sell upon a notice of ten (10) days the personal property of any delinquent tax-payer, and to sell the real estate of any delinquent tax-payer after a notice of thirty (30) days: *Provided*, said Tax Collector may at any time levy upon and sell said personal property upon filing an affidavit that he has reason to believe that such tax-payer is about to leave the city of Goldsboro, and that there is danger of the loss of the taxes due by him, and obtaining an order from the Mayor directing him forthwith to levy upon and sell the personal property of such tax-payers.

Tax sales, when  
and how made,  
and notice of.

Notice to be post-  
ed and published.

The notice provided for in this section shall be posted at the court-house door and published in some newspaper published in the city of Goldsboro; that whenever any property, real or personal, is sold for non-payment of taxes as herein provided the city of Goldsboro may become the purchaser: *Provided*, there is no bidder for the property so sold for the amount of the taxes and costs due upon the same; that the Tax Collector shall keep a record of all sales made by him, and upon the sale of any real property, as herein authorized, shall deliver to the purchaser a certificate stating the name of delinquent tax-payers, the amount of taxes and costs, and describing the real estate so sold, and if within twelve months the owner of said real estate shall not redeem the same by paying to the purchaser the amount of said taxes and costs with 10 per cent added thereto, the Tax Collector shall execute and deliver to the purchaser a deed for the said real estate, which deed shall conform as near as may be to the deeds executed by sheriffs upon sale of real estate for taxes, and shall have the same force and effect; there shall be the same fees and costs charged as upon sales by the sheriffs for taxes.

Record of tax  
sales.

Certificate of sale.

Limit of redemp-  
tion of property  
by owner.

Tax deeds.

SEC. 44. That the Board of Aldermen shall have power to de-

clare all horses, mules, cattle, swine, sheep, goats and dogs running at large within the limits of the city a nuisance, and the Aldermen may at their option impose a fine upon the owner or owners of said animals so running at large or may treat the same as a nuisance and abate or prohibit by law.

Horses, cattle, etc., at large, a nuisance.  
Fine.

SEC. 45. That in addition to the subjects of taxation enumerated in section forty-one (41), the Aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the Tax Collector instantly; and if same be not paid on demand the same may be recovered by levying on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Additional subjects of taxation.  
Tax to be paid on demand or recovered by levying.  
Additional subjects enumerated, with maximum rates of taxation.

(1) Upon every bowling alley, billiard table, pool table, baggabelle table, shooting gallery, skating rink, or any other game allowed by law, and every victualling house or restaurant established, used or kept in the city, a tax not exceeding fifty dollars a year.

Bowling alleys, etc.

(2) Upon every permission of the Board of Aldermen to retail spirituous liquors, a tax not exceeding one thousand dollars (\$1,000).

Retail liquor dealers.

(3) Upon every company of circus riders who shall exhibit within the city, a tax not exceeding thirty (\$30.00) dollars for each separate exhibition; the tax to be paid before the exhibition, and if not to be double.

Circus.

(4) Upon every company of stage or theatrical performers, every sleight-of-hand performers, rope or wire dancer or performer, every exhibition of natural or artificial curiosities, every single person or company of singers, dancers, Ethiopian minstrels, or performers on musical instruments who shall sing, dance, perform or play on musical instruments for reward, five dollars (\$5.00) for each exhibition.

Theatrical performers, etc.

(5) Upon each show or exhibition of any kind and upon each concert or lecture for reward, a tax of five dollars for each exhibition.

Shows and exhibitions.

(6) Upon each bucket shop, where wagers are made upon the fluctuations of the market price of stocks, grain and other commodities, a tax of one thousand dollars per annum.

Bucket shops.

SEC. 46. That the Board of Aldermen shall cause to be kept clean and in good repair the streets, sidewalks and alleys; they may establish the width and ascertain the location of those already provided and lay out and open others, and may reduce or increase the width of all of them; they may also established and regulate the public grounds and protect the shade trees of the city.

Duties and powers as to repair of streets, etc.

SEC. 47. That the Board of Aldermen shall have power to establish ordinances to prevent and extinguish fires; to provide for

Powers as to fire protection.

the establishment, organization, equipment and government of fire companies; provide said companies with fire engines, fire hose and necessary appurtenances, and that in all cases of fire a majority of such Board of Aldermen as shall be present may, if they deem it necessary to stop the progress of the fire, cause any dwelling-house or other building to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Nuisances, power as to abatement of.

SEC. 48. That the Aldermen may require and compel the abatement and removal of all nuisances within the city at the expense of the person causing the same, or the owner or tenant of the grounds whereon the same may be; and may regulate, if allowed to be established, any slaughter-house or place, or the exercise within the city of any offensive or unhealthy trade, business or employment.

Unhealthy trades, powers of regulating.

May prohibit fast riding, driving, etc., and firing of guns, etc.

SEC. 49. That they may prohibit by penalties the riding or driving of horses or other animals in a careless or dangerous manner, or at a greater speed than seven (7) miles per hour within the city limits, and also the firing of guns, pistols, gunpowder, crackers or other explosive, combustible or dangerous material in the streets, public grounds or elsewhere within the city.

Public markets.

SEC. 50. That the Aldermen may establish and regulate the markets and prescribe at what time and place within the city marketable articles shall be sold.

Public buildings.

SEC. 51. That they may establish all public buildings, necessary and proper for the city. The Aldermen of the said city of Goldsboro may establish fire limits and prevent the erection, construction or establishment in any part of the city of any building or structure built of wood or of any other material which would increase the danger of fire.

Fire limits.

Graveyards, keepers of.

SEC. 52. That they may provide graveyards in or near the corporate limits, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality; and they may prohibit interments within the city.

Powers for protection of public health.

SEC. 53. That the Board of Aldermen may take such measures as they deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; and may establish and regulate hospitals within the city, or within three (3) miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospitals; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate

disease; may abate by ny reasonable means all nuisances which may be injurious to the public health.

SEC. 54. That if any person shall attempt by force or by threats of violence to prevent the removal to the hospital of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars (\$100), and moreover be deemed guilty of a misdemeanor.

Penalty for interference with health authorities.

SEC. 55. That the Board of Aldermen may govern and regulate the speed of railroad trains while running within the corporate limits of the city, and prohibit the ringing of bells, blowing of steam whistles, either during the day or night within the city limits.

Powers as to speed of railroad trains, etc.

SEC. 56. That it shall not be lawful for the Commissioners of Wayne County to grant any license to retail spirituous liquors within the limits of the city or within one mile thereof, without permission first obtained from the Board of Aldermen of the city in being at the time of the application to the County Commissioners; and if any license shall be granted without permission in writing attested by the Clerk of the Board of Aldermen and exhibited to the County Commissioners and filed with the Clerk of the Board of County Commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment, as in other cases of retailing without a license and shall moreover forfeit and pay to the city the sum of twenty dollars (\$20).

Unlawful for County Commissioners to issue liquor license within one mile of city limits.

SEC. 57. That all penalties imposed by law relating to the city of Goldsboro or by this act, or by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the city of Goldsboro before the Mayor or any tribunal having jurisdiction thereof.

Penalties, where recoverable.

SEC. 58. That the Board of Aldermen shall not have power to impose for any offense a larger penalty than fifty dollars (\$50.00), unless the same be expressly authorized, and from any judgment of the Mayor by this act or for other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeals from a judgment of a Justice of the Peace.

Limit of jurisdiction.

SEC. 59. That the Board of Aldermen shall have power to fix the salary of the Mayor, Treasurer, Clerk, Tax Collector and any other officer of the city, or increase or diminish the same from time to time as they may elect.

Appeals, how made.

Salaries of city officers fixed by board of aldermen.

SEC. 60. That the city of Goldsboro is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two (62) of The Code, not inconsistent with any of the provisions of this act.

City vested with powers named in chapter 62 of The Code.

SEC. 61. That the city of Goldsboro may establish a system of sewerage, may pave its streets and sidewalks, may establish a

Powers as to water-works, sewerage and electric light systems, streets, city halls, etc., and issuance of bonds for same.

system of water-works; or may purchase the system now in operation in said city; may establish a gas, electric or other plant for furnishing lights, or may purchase the electric light plant now in operation in said city; may build and own a city hall and market-house, and may own and operate any or all of these improvements, and may make other public improvements; and may apportion the cost of the same equally among the inhabitants; and, for the purpose of providing such improvements, may, as and when the Board of Aldermen may determine, issue its bonds, from time to time, to any amount not exceeding in the aggregate the sum of two hundred thousand dollars (\$200,000), of such denomination and in such proportions as the Board of Aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached payable half yearly at such times and at such place or places as may be deemed advisable by said Board, said bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding fifty (50) years from the date thereof, and at such place or places as the Board of Aldermen may determine; said bonds may be issued for any of said purposes or for two or more or for all.

Maximum amount of bond issue, rate of interest, etc.

Disposal of bonds and proceeds.

SEC. 62. That none of the bonds provided for in the above section shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their par value, nor shall said bonds or their proceeds be used for any other purposes than those declared in said section.

Bonds non-taxable.

SEC. 63. That the bonds authorized to be issued by section sixty-one (61) hereof and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city, and the coupons shall be receivable in payment of city taxes or other city dues for any fiscal year in which said coupons become due or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Provisions for sinking fund and payment of interest.

SEC. 64. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the Board of Aldermen of said city shall annually and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the said Board of Aldermen now are or may hereafter be authorized to lay and levy taxes for any purposes whatever, said particular tax not to be less than five nor more than twenty cents on the one hundred dollars assessed in valuation on property, and not less than fifty nor more than sixty cents on each poll, for each

Limits of rate of special tax.

fifty thousand dollars (\$50,000) of bonds so issued. The taxes provided for in this section shall be collected in the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said taxes as may not be required to pay the interest on the bonds issued as it falls due, and can not be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at the maturity of the principal of the said bonds; and to insure the due investment of the amounts collected from year to year in excess of that required to pay the said interest, the Board of Aldermen shall appoint some suitable person to be styled "Commissioner of the Sinking Fund of the City of Goldsboro," who shall hold his office for six years, and whose duty it shall be under such rules and regulations as said Board of Aldermen shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds, and to do and perform all such other services in connection with said bonds as said Board or Aldermen may prescribe; and such Commissioner shall give bond and receive such compensation for his services as said Board of Aldermen may determine.

Special tax, how collected and disposed of.

Commissioner of sinking fund, term of office, duties, powers, etc.

SEC. 65. That before any of the bonds herein provided for shall be issued, the question of issuing the same shall first be submitted to the qualified voters of said city, after thirty days' notice in some newspaper published in said city at an election to be held under the same rules and regulations as are now prescribed by law for election of Mayor and Aldermen for said city. Such notice shall set forth the object for which said bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied and collected to pay the same. Those qualified voters approving the issue of such bonds and levying and collecting of the taxes to pay the same, shall deposit in a separate ballot-box a written or printed ballot with the word "Approved" thereon; and those disapproving the same shall deposit a like ballot, with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the said Board of Aldermen shall issue the bonds provided for in such notice and shall levy and order the collection of the taxes therein named and authorized by this act. At such election, upon the proper notice being given, as herein provided for, the issue of bonds for more than one purpose, within the meaning of this act, may be voted on in separate ballot-boxes, under the same rules and regulations as are named above; but in such case the ballots shall contain the purpose of the bonds with the words "Approved" or "Disapproved," as the elector desires,

Elections on bond issues.



following. Said elections may be held from time to time as the Board of Aldermen may determine, and if at any such election a majority of qualified voters vote "Disapproved" the same or a different proposition may be submitted to the qualified voters at another election, under the provisions of this act.

Board of public works, election of, term of office, duties, powers, etc.

SEC. 66. That there shall be elected by the duly qualified voters of said city at the next election for Mayor and Aldermen of said city a Board of Public Works, to consist of three members, whose term of office shall be two, four and six years respectively, and at each election thereafter one member of said Board of Public Works shall be elected to fill the place of the member whose term then expires. At the first election after the ratification of this act the Board of Aldermen shall designate the term of office of each member of said Board of Public Works. All vacancies occurring in said Board shall be filled by the Board of Aldermen of said city until the next city election. The compensation of the members of said Board of Public Works shall be fixed by the Board of Aldermen of the said city of Goldsboro. No member of the Board of Aldermen of the said city of Goldsboro, nor the Mayor of said city, shall be a member of said Board of Public Works; and no member of the Board of Public Works shall have any interest in or receive any benefit from any contract made by the Board.

Official oath to be taken by members of Board of Public Works.

SEC. 67. Before entering upon the performance of the duties imposed upon them, each member of said Board of Public Works shall take an oath before some officer authorized to administer oaths to faithfully perform the duties of his office.

Officers of Board of Public Works.

Official bond of secretary.

SEC. 68. That the said Board of Public Works shall have power to appoint a chairman and a secretary and treasurer, which secretary and treasurer shall give a bond with approved security in a sum to be fixed by the Board of Aldermen of the city of Goldsboro, and payable to said city, to faithfully account, whenever called upon to do so to said Board of Aldermen of the city of Goldsboro for all money by him received and expended: *Provided, however,* that said secretary and treasurer shall make a full report every three months to the Board of Aldermen of the city of Goldsboro. Said report shall give a detailed statement of the receipts and disbursements of all moneys and the condition of the affairs of all matters connected with said Board of Public Works.

Proviso; secretary to make quarterly report to Board of Aldermen.

Water-works system and electric light plant to be purchased and put in charge of Board of Public Works.

SEC. 69. After the said Board of Aldermen of the said city of Goldsboro shall erect or purchase a system of water-works, and shall erect or purchase an electric light plant, that the said Board of Aldermen of the city of Goldsboro shall immediately turn over to the aforesaid Board of Public Works both the system of water-works and the electric light plant. And in the event that both the said system of water-works and the said electric



light plant shall not be ready to be turned over at the same time, whichever shall be completed or purchased first shall be turned over immediately to said Board of Public Works, and as soon as the remaining system of water-works or the electric light plant, as the case may be, shall be purchased or completed, the same shall be immediately turned over to the aforesaid Board of Public Works.

SEC. 70. That the said Board of Public Works shall have sole and entire control of the management and operation of both the system of water-works and the electric light plant. Said Board of Public Works shall appoint the necessary officers and servants for conducting the business of both the system of water-works and the electric light plant, fix the prices to be paid for water and lights, collect water rents and bills due for lights, keep the property in good repair, purchase additional supplies and machinery when necessary, to enlarge and increase the capacity of either or both of the said water-works or electric light plant when by reason of the increase of population and growth, the said city of Goldsboro shall need a larger supply of either lights or water or both, and shall do all other things that said Board of Public Works may deem necessary for the proper management of the business: *Provided, however,* that said Board of Public Works shall make no extension or enlargement of either the said water-works or the electric light plant, except on the recommendation and by the direction of the Board of Aldermen of the city of Goldsboro.

Powers and duties of Board of Public Works.

SEC. 71. Any profits arising from the business of the water-works or the electric light plant, the aforesaid Board of Public Works shall turn over to the Board of Aldermen of the city of Goldsboro for the use of said city.

Disposal of profits from water-works or electric light plant.

SEC. 72. That the city of Goldsboro is hereby authorized and empowered to accept and hold the gift of Henry Weil and Solomon Weil to said city of the tract of land known as "Herman Park," and may add to the same by gift or purchase for a public park. And the said city shall have and exercise its police powers over the same and a like power over the cemeteries owned by said city, whether the same be in the corporate limits or not, and may enact and enforce ordinances for the proper government of the same.

Powers and rights as to city parks and cemeteries.

SEC. 73. That if it shall be necessary in obtaining proper outlets for a system of sewerage to extend the same beyond the corporate limits of said city, then in such case the Board of Aldermen of said city shall have power to so extend it, and both within and without the said corporate limits to condemn land for the purpose of right-of-way, or other requirements of said system; the proceedings for such condemnation to be the same as those

Powers of extending system of sewerage.

prescribed in chapter (49) forty-nine, volume one (1) of The Code.

Power of assessing land-owners for improvements.

SEC. 74. That the city of Goldsboro shall have power, in its discretion, to assess owners of land abutting on streets paved by said city with an amount not to exceed one-third of the actual cost of such paving in front of such abutting land; and said city shall have like power of assessing not exceeding one-third of the actual cost of any sewer in front of such abutting land, but the cost of common outlets shall not be so assessed, and the cost thereof as herein provided for may be assessed upon such abutting property and added to the taxes on the same, and collected in the same manner that other taxes or assessments are collected.

Reasonable and uniform rates to be charged for public privileges.

SEC. 75. That all persons and corporations doing business in the city of Goldsboro, "affected with a public use," shall furnish and supply said city and the inhabitants thereof, upon proper demand therefor, at reasonable and uniform rates.

Conflicting laws repealed.

SEC. 76. That all laws or clauses or parts of laws in conflict with this act are hereby repealed.

SEC. 77. That this act shall take effect and be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 398.

### AN ACT TO RE-ENACT AND AMEND CHAPTER FIFTY AND CHAPTER FOUR HUNDRED AND SIXTY-NINE, OF THE LAWS OF EIGHTEEN HUNDRED AND NINETY-SEVEN, RELATING TO THE MOORE COUNTY AND WESTERN RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Chapter 50 and Chapter 469 of the Laws of 1897, relating to the Moore County and Western Railroad Company, re-enacted and amended.

SECTION 1. That chapter fifty and chapter four hundred and sixty-nine of the Laws of 1897, relating to the Moore County and Western Railroad Company, be and the same are hereby re-enacted. *Provided, however,* that section fourteen of said chapter fifty be amended by striking out all after the word "operation" in line fifth, down to and including the word "act" in line sixth, and inserting in lieu thereof the words "on or before the 10th day of November, 1901."

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 399.

## AN ACT TO INCORPORATE "THE ABERDEEN AND GIBSON RAILROAD COMPANY."

*The General Assembly of North Carolina do enact:*

- SECTION 1. That F. T. Bizzell, W. L. Fields, P. McIntosh, A. L. James, F. L. Blue, W. T. Herndon, T. C. McEachin, and such others as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and corporate under the name of "The Aberdeen and Gibson Railroad Company," and when organized as hereinafter provided said corporation may have and use a comon seal, and sue and be sued in all the courts of the State by its corporate name, and shall be capable of purchasing or acquiring by gift or devise, estate, real or personal or mixed, and of holding, leasing and selling the same as the interest of the company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose: *Provided*, the same shall not be inconsistent with the Constitution of the State or United States, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of the State of North Carolina.
- SEC. 2. That the said company be and the same is hereby authorized to construct a railway of one or more tracks from Aberdeen, N. C., on the Raleigh and Augusta Railroad, in Moore County, by way of Laurinburg, N. C., to some point on the Atlantic Coast Line Railroad, in Scotland County, within the counties of Moore, Cumberland and Scotland, said road to be of such gauge as may be determined by the directors of said company, and to have the usual power to cross any other railroad track over, under or at grade.
- SEC. 3. That the capital stock of said company shall be fifty thousand dollars, with power to increase the same to one million dollars, vested in the stockholders, in shares of the value of one hundred dollars each, and shall be raised by subscription on the part of individuals, or municipal or other corporations; and subscriptions may be paid in money, labor, lands, materials, stocks, bonds or other securities, or in any way that may be agreed upon by and between the company and the subscribers, and the company may receive donations of any of the kinds of property or labor mentioned above.
- SEC. 4. That books of subscription to the capital stock of said company shall be opened by the corporators aforesaid within twenty days after the ratification of this act at such places in

Names of incorporators.

Corporate powers.

Power to construct railway, etc.

Minimum and maximum amount of capital stock; shares, value of; subscription of, how paid.

Books of subscription, when opened.

Organization,  
when completed.

Moore, Cumberland and Scotland counties as shall be appointed by said corporators respectively, and the said corporators, or a majority of them, may at any time after the sum of ten thousand dollars has been subscribed to the capital stock of said railroad company; and five per centum cash paid in, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said company.

Meeting of stock-  
holders.

SEC. 5. That the said company shall hold a meeting of the stockholders at its organization, and the annual meetings shall thereafter be held. Seven directors shall be elected by the stockholders to hold office for one year, and until their successors shall be elected, and in all such meetings of the stockholders a majority of the stock shall be represented in person or by proxy, such proxy to be verified in a manner prescribed by the by-laws of the company, and each share shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number president of said company and to elect such other officers as shall be provided by the by-laws of the said company, and fill all vacancies which may occur on said board during the term for which it is elected; any meeting of the stockholders shall have power to make or alter the by-laws of the company.

Certificates of  
stock.

SEC. 6. Said company shall issue certificates of stock to its members, and stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Counties and  
townships may  
subscribe to capi-  
tal stock.

SEC. 7. That the Commissioners of any county through which said railroad may pass and any township through which said railroad may pass shall have full power and authority to make donations to the said company or to subscribe to its capital stock on behalf of the respective counties or townships to the amount they shall be authorized by the said counties or townships respectively, and the authorities of all incorporated cities or towns to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized to by said company or companies; and to enable them to borrow money to make such donation or to make such subscriptions, they may issue bonds or other evidence of debt; when such subscription shall be made, it shall be as binding on the counties, townships or other corporations making them as individual subscriptions are upon those by whom they are made, and in all cases where a township shall make a subscription or donation, the County Commissioners shall be authorized to represent such township and to make subscription or donation when authorized by vote as hereinafter provided.

Question of sub-  
scription of capi-  
tal stock, how  
submitted to  
voters.

SEC. 8. That the Board of Commissioners of the several counties named in this act are respectively authorized and required whenever one-fourth of the freeholders, being qualified voters of any township in their county, shall petition to them in writing to

have submitted to the voters a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held in said township at the proper voting place therein, after thirty days' notice of said election by advertisement at the court-house door of said county, and at four or more public places in said township, and to submit to the qualified voters of such township the election of donating to said company or subscribing to its capital stock the sum of money specified in the written request of the tax-payers calling for said election as aforesaid, at which election those in favor of said donation shall deposit a ballot on which shall be printed or written the words "For Donation," and those opposed shall deposit a ballot on which shall be written or printed the words "Against Donation"; but if the election be to authorize the subscription to the capital stock, the ballots shall be deposited on which shall be written or printed the words "For Subscription" and "Against Subscription." The returns of said election shall be made to the County Commissioners on the Tuesday next succeeding the day of such election, who shall on that day canvass the same and if a majority of all the votes cast shall be "For Subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the Board of County Commissioners; and if a majority of all the votes cast shall be "For Donation," then the chairman of the Board of County Commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact. And the Commissioners shall have power to order a special registration for the election herein provided for, under the election law rules.

SEC. 9. That in payment of subscriptions or donations made as provided in the next preceding section, the Board of Commissioners of the county wherein said township may be situated shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express on their face by what authority and for what purpose they are issued. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, and shall be payable thirty years after the first day of January next after the year in which they are issued, and shall be coupon bonds and bear interest at the rate of six per cent per annum, interest payable on the first day of January of each year by the Treasurer of the county in which said township is situated. But the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.

Subscription  
bonds, how  
issued.

SEC. 10. That in all cases when a subscription to the capital stock shall be made by a county or a township the County Com-

missioners, and in a case where a subscription shall be made by a town, the authorities of the municipal corporation shall have the power and authority to contribute the amount of the stock subscribed by said county, township or town to said company, if the same shall be deemed necessary, for the completion of said road.

Special tax to provide for payment of interest on bonds and for a sinking fund.

SEC. 11. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the Board of Commissioners of the county in which the township is situate on account of which said bonds have been issued, shall in addition to the other taxes, each year compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds, and one-thirtieth of the amount of the principal thereof, which taxes shall be collected by the Sheriff of said county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over of the State and county taxes. The Sheriff shall pay said taxes when collected to the Treasurer of his county, who shall first pay the interest on said bonds and the coupon shall be his vouchers and evidence of such payment, and the balance of the money shall be invested by him in the purchase of said bonds not above par.

Subscription to capital stock by towns to be submitted to voters.

SEC. 12. That the Commissioners of any town of any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five tax-payers of said town shall in writing request that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to its capital stock may be submitted to the voters of such town, to cause an election to be held therein under the same rules and regulations as are prescribed above for such election in townships, except that the returns shall be made to the Commissioners of the town, who shall canvass the same, and if a majority shall have voted for subscriptions then the Mayor of the town shall make the subscription to the stock of said railroad company, and if the town shall have voted for donation, then the Mayor of the town shall certify the result of said election to the authorities of said company, and in payment of any donation or of any subscription to the capital stock of said company the Commissioners of such town shall issue bonds of the same denomination and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions, and in addition to the other tax upon the subjects of taxation in said town they shall annually levy a tax sufficient to pay the interest on said bonds and one-thirtieth of the principal.

The tax levied under the provision of this section shall be collected by the Constable or Tax Collector of such town in the same manner as the other taxes of said town are collected, and subject to the same rules and regulations and the same penalties and remedies against the Constable or Tax Collector and his sureties for failure to collect and account for the same when collected. Said taxes shall be paid by the Constable or Tax Collector to the Treasurer of said town, who shall first pay the interest on said bonds, and invest the balance collected on said bonds in the purchase of said bonds at par.

SEC. 13. The bonds under this act to secure donations to said railroad or subscription to its capital stock by any township, shall be signed by the Chairman of the Board of County Commissioners of the county in which said township is situated, and by the Clerk of said Board, and the coupons shall be signed by the Chairman alone. The bonds issued by any town under the provisions of this act shall be signed by the Mayor and two Commissioners of said town, and the coupons shall be signed by the Mayor alone.

Subscription bonds, how signed.

SEC. 14. That said company shall have the right to have land condemned for right-of-way and for necessary warehouses and buildings according to existing laws, and shall also have full power and authority to sell or lease its road-bed, property and franchises to any other person or corporation, and to purchase or lease any other railroad in the State, or to consolidate with any connecting line or railroads.

Right of eminent domain.

SEC. 15. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and operate it when completed, and shall have the exclusive right of transportation over the same.

Power of construction and right of transportation.

SEC. 16. That said company shall be authorized and empowered to construct branch roads to The Aberdeen and Gibson Railroad, not exceeding thirty miles in length; for this purpose shall have all the rights and privileges conferred by this act.

Right to construct branch roads.

SEC. 17. That said company shall have, possess and use all the powers and rights, and enjoy all the privileges and immunities conferred by its charter upon any other railroad in this State: *Provided*, that nothing herein contained shall be construed to exempt said railroad from taxation: *And provided further*, that so much of said taxes as may be levied from year to year for county purposes shall not, when collected, be covered into the general county fund, but shall be applied by the Treasurer holding them, as above provided, to the liquidation of town or township subscriptions respectively to the capital stock of said railroad and the interest thereon, so long as any of the principal or interest of such subscription remains unpaid.

Equal rights with other railroad companies.

SEC. 18. Said company shall be authorized to borrow money for

Power of borrowing money and executing mortgages.

the construction and operation of said road, and to issue coupon bonds for the amount so borrowed, and to mortgage said road and the other property to secure the payment of the said bonds, principal and interest.

Conflicting acts repealed.

SEC. 19. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall take effect from its passage.

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

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#### CHAPTER 400

### AN ACT TO CONFIRM THE SALE AND CONVEYANCE MADE BY THE TRUSTEES OF THE LOUISBURG PRESBYTERIAN CHURCH OF THEIR CHURCH LOT ON MAIN STREET, IN THE TOWN OF LOUISBURG, TO THE TRUSTEES OF THE LOUISBURG BAPTIST CHURCH.

*The General Assembly of North Carolina do enact:*

Sale of Louisburg Presbyterian Church lot, confirmed.

SECTION 1. That the conveyance made by the Trustees of the Louisburg Presbyterian Church of their church lot on Main Street, in the town of Louisburg, to the Trustees of the Louisburg Baptist Church, in exchange for another lot in said town, is hereby confirmed and ratified.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

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#### CHAPTER 401.

### AN ACT IN RELATION TO THE CROATAN NORMAL SCHOOL IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Croatan Normal School to receive \$246.25 from general educational fund.

SECTION 1. That there shall be placed to the credit of the Croatan Normal School in Robeson County, out of the general educational fund in the hands of the State Treasurer, the sum of two hundred and forty-six dollars and twenty-five cents, being a hal-



ance of unexpended appropriations heretofore made to the said Croatan Normal School.

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

In the General Assembly read three times and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 402

### AN ACT TO AMEND CHAPTER 98, 276 and 564 OF THE PUBLIC LAWS OF 1899, RELATIVE TO THE DISPENSARIES AT SMITHFIELD, SELMA AND CLAYTON, IN THE COUNTY OF JOHNSTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Dispensary Commissioners of the Smithfield Dispensary shall pay to the Sheriff of Johnston County an amount equal to three (3) retail liquor licenses.

Commissioners of Smithfield Dispensary to pay tax to sheriff of county.

SEC. 2. That the Commissioners of the Selma Dispensary shall pay to the Sheriff of Johnston County an amount equal to two (2) retail liquor licenses.

Salem Dispensary.

SEC. 3. That the Commissioners of the Clayton Dispensary shall pay to the Sheriff of Johnston County an amount equal to two (2) retail liquor licenses.

Tax on Clayton Dispensary.

SEC. 4. The taxes imposed under sections 1, 2 and 3 of this act shall be paid to the Treasurer of Johnston County by the Sheriff of said county, and the said Treasurer shall place the same to the credit of the general school fund of Johnston County.

Taxes to be placed to credit of school fund.

SEC. 5. The license taxes shall be collected at the same time that retail liquor licenses are collected.

Time of collection of taxes.

SEC. 6. The taxes levied by the State on dispensaries under the act to raise revenue, and which is required to be paid to the State Treasurer or to the county treasurer for the benefit of the public schools, shall be included in the amount specified and levied in sections 1, 2 and 3 of this act.

State taxes to be included in amount levied.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This act shall be in full force and effect from and after July 1, 1901.

Effective from and after July 1, 1901.

In the General Assembly read three times, and ratified this the 13th day of March, 1901.

## CHAPTER 403.

## AN ACT TO REVISE THE CHARTER OF THE CITY OF WILMINGTON.

## Preamble.

WHEREAS, Numerous acts have been enacted by the General Assembly from time to time relating to the former town and present city of Wilmington, which now constitute the charter of said city; and,

WHEREAS, It is deemed advisable by the municipal authorities and the citizens of said city that the charter thereof should be revised and contained in one act of the General Assembly; therefore,

*The General Assembly of North Carolina do enact:*

Inhabitants of city to continue a body corporate. Corporate name, rights and powers.

SECTION 1. That the inhabitants of the present city of Wilmington shall continue to be, as heretofore, a body corporate and politic, under the name and style of the "City of Wilmington." The said city is hereby invested with all the property and rights of property, and all rights, franchises, privileges, powers and authorities which belong to or are possessed by the present city of Wilmington, under any other corporate name or names heretofore used or known. The said city may acquire and hold for the purpose of the government, welfare, improvement or convenience of said city and its inhabitants, all such estates, property or effects as may be devised, bequeathed, purchased by and conveyed to it, and may from time to time sell, dispose of, or invest the same as shall be deemed advisable by the proper authorities of said corporation. All the powers heretofore granted by any law now in force in reference to the former town and present city of Wilmington are hereby vested in the said city of Wilmington to be exercised and administered for the government and benefit of the said city: *Provided, however*, that all laws affecting the government of the said town or city, or any laws of a public or general nature, inconsistent with this act are hereby repealed, but so far only as they may effect the said city: *Provided further*, that no ordinance or law, regulation or rule of the present corporation shall be effected or amended by this act unless inconsistent therewith, neither shall any duty, debt or obligation due by said present city to any person or corporation be impaired by this act, but such debt or obligation shall remain in full force, and its lawful performance is hereby imposed upon said city; neither shall any right, estate, duty or obligation, due by any person or persons or corporation to the said city of Wilmington, be impaired by this act, but the same shall be possessed by said city enforced and enjoined as before

Power to acquire or dispose of real property.

All powers of former town vested in new corporation.

Proviso as to repeal of laws inconsistent with this act.

Debts, etc., of present city not to be impaired.

the passage and ratification of this act, for the benefit and use of the said city of Wilmington.

#### BOUNDARIES.

SEC. 2. The corporate limits and boundaries of said city of Wilmington shall be as follows, viz.: Beginning on the eastern side of the northeast branch of the Cape Fear River at a point north of and eleven hundred and eighty-eight (1188) feet distant from the present northeastern corner of Ashe Street on said river; thence running eastwardly in a line parallel with said Ashe Street, to the left bank of Smith's Creek; thence up said creek and with the various meanders of its said left bank to a point where it is intersected by a line parallel with and fifteen hundred and eighty-four (1584) feet east of Thirteenth Street extended northwardly; thence southwardly in said line parallel with Thirteenth Street to a point where it is intersected by a line parallel with and thirteen hundred and eighty-six (1386) feet south of Marsteller Street where the same extended eastwardly; thence westwardly in a line parallel with said Marsteller Street to the left bank of the Cape Fear River; thence northwardly to a point on the western bank of said river opposite to the center of Orange Street, said point being the southeast corner of so much of the county of New Hanover, and also of so much of said city of Wilmington as is situate on Eagle's Island; thence with the present outside boundary lines of so much of said city as is situate on said Eagle's Island to the point on the river, which is the northwestern corner of said city on said Eagle's Island; thence with the present boundary of said city about north twenty-seven degrees west one hundred and six poles to the north of a ditch, the common corner on the northwestern branch of the Cape Fear River of the lands on Point Peter, now or lately belonging to the heirs at law or devisees of the late Bennett Flanner, and of the lands belonging to the late William F. Potter; thence eastwardly with the dividing line between said lands about forty-seven poles to the northeast branch of the Cape Fear River; thence across said river in a northeastwardly direction to the beginning.

#### PLAN OF CITY.

SEC. 3. The plan of said city of Wilmington, in conformity with the boundaries described in section two of this act, heretofore prepared by the Aldermen of said city under the provisions of the Private Acts of 1870-1, chapter three, section one, ratified the 30th day of December, 1870, one copy of which is now enrolled in the office of the Secretary of State, and the other in the office of the Clerk of the Superior Court of the county of New Hanover, or either of said copies of the same, or a copy of said original

Plan of city prepared under section 3, Private Acts of 1870-1, enrolled in the office of the Secretary of State receivable as evidence of corporate limits.

plan duly certified by the Mayor of said city, under the corporate seal of said city, or a duly certified copy of either of said plans enrolled as aforesaid, shall be received as evidence of the corporate limits of said city and of the limits and lines of all streets, alleys and lots and squares or blocks in said city, which may be designated thereon. All laws in reference to the government of the city of Wilmington, or granting powers of any kind to the Mayor and Aldermen of said city, shall extend and be applicable to said city according to its boundaries and limits as hereinbefore established.

#### WARD DIVISIONS.

Ward divisions;  
boundaries of.

SEC. 4. The city of Wilmington shall be divided into five (5) wards, denominated First, Second, Third, Fourth and Fifth, respectively, and the said wards shall be severally bounded as follows: The First Ward shall include all that part of said city which lies north and east of the following lines, viz.: Beginning at the center of Campbell Street at its western end on the river, thence running eastwardly with the center of said street to the middle of Fourth Street; thence southwardly with the middle of Fourth Street to the middle of Red-Cross Street; thence eastwardly with the middle of Red-Cross Street to the middle of Fifth Street; thence southwardly with the middle of Fifth Street to the middle of Walnut Street; thence eastwardly with the middle of Walnut Street to the middle of McRae Street; thence southwardly with the middle of McRae Street to the middle of the street running eastwardly from or near to the eastern end of Grace Street or McRae Street; thence eastwardly with the middle of the street last referred to and designated on the present plan of said city as Grace Street, to the center of Tenth Street at its northern terminus; thence southwardly with the center of Tenth Street to the center of Dock Street, and thence eastwardly with the center of Dock Street to the eastern boundaries of the city.

First ward.

Second ward.

The Second Ward shall include all that part of said city within the following lines, viz.: Beginning in the center of Campbell Street at its western end on the river, thence running eastwardly with the center of said street to the middle of Fourth Street; thence southwardly with the middle of Fourth to the middle of Dock Street; thence westwardly with the middle of Dock Street to the river, and thence northwardly up the river to the beginning, and so much of said city as lies on Eagle's Island, and also on Point Peter, shall be a part of said Second Ward.

Third ward.

The Third Ward shall include all that part of said city within the following lines, viz.: Beginning at a point in the intersection of Fourth Street and Red-Cross Street, which is the common center of said two streets; thence running eastwardly with the

center of Red-Cross Street to the center of Fifth Street; thence southwardly with the center of Fifth Street to the center of Walnut Street; thence eastwardly with the center of Walnut Street to the center of McRae Street; thence southwardly with the center of McRae Street to the middle of the street running eastwardly from or near to the eastern end of Grace Street or McRae Street; thence eastwardly with the middle of the street last referred to and designated on the present plan of said city as Grace Street to the center of Tenth Street at its northern terminus; thence southwardly with the center of Tenth Street to the center of Dock Street; thence westwardly with the center of Dock to the center of Fourth Street, and thence northwardly with the center of Fourth Street to the center of Red-Cross Street, the beginning.

The Fourth Ward shall include all that part of said city which is bounded on the north by the middle of Dock Street, on the east by the middle of Seventh Street, on the south by the middle of Church Street, and on the west by the river. Fourth ward.

The Fifth Ward shall include all that part of said city within the following lines, viz.: Beginning on the river in the center of Church Street, thence running eastwardly with the center of Church Street to the center of Seventh Street; thence northwardly with the center of Seventh Street to the center of Dock Street; thence eastwardly with the center of Dock Street to the eastern limits of said city; thence southwardly with the eastern line of the city to its southeastern corner; thence westwardly with the southern line of said city to the river, and thence northwardly with the eastern line of the river to the beginning in the center of Church Street. Fifth ward.

SEC. 5. That each of the said wards defined in the preceding section, for the purposes of all city elections, hereinafter provided to be held, shall constitute a separate registration and voting precinct; but the Mayor and Board of Aldermen shall have power and authority to subdivide any or all of the said wards into two or more voting precincts, whenever in their judgment the public convenience shall demand it, and the subdivision so designated by the said Mayor and Board of Aldermen shall constitute separate registration and voting precincts, and the provisions of this act and of all other acts with reference to the registration of voters and of voting at any election in said city, shall apply severally to the subdivisions so made of the said wards, as though the same were different wards of the said city. Wards separate voting precincts.

#### CORPORATE POWERS VESTED IN ALDERMEN.

SEC. 6. The corporate powers and authority granted to the said city shall be vested in and exercised by a Mayor and Board of Aldermen. The said board shall consist of ten members, two Corporate powers vested in aldermen.

Board to consist of ten members.	each, to be elected from each of the said five wards, and the board shall elect as hereinafter provided the Mayor of said city. The Aldermen elected shall hold office for the term of two years from the day of their election, and until their successors shall be duly elected and qualified according to law. No person shall be elected an Alderman of either of said wards unless he be a <i>bona fide</i> resident and duly qualified voter of such ward at the time of his election, and a member or member-elect of said board shall not be eligible to the office of Mayor during the time for which he may have been elected.
Mayor, how elected.	
Term of office.	
Qualifications of aldermen.	

## ELECTIONS—HOW HELD.

Elections, how held.	SEC. 7. The first election for Aldermen shall be held on the fourth Thursday in March, nineteen hundred and one, and subsequent elections therefor shall be held biennially thereafter, on the fourth Thursday of March of the respective years in which the same occur.
Time of elections.	
Registration of voters.	SEC. 8. That before every election there shall be a new registration of the persons qualified to vote. It shall be the duty of the Mayor and Board of Aldermen to appoint at least twenty days before each said election, five suitable persons to act as registrars and judges of election for each voting precinct, designating one of them so appointed in each precinct to act as registrar for that precinct. The persons so appointed shall be voters in the precincts and wards for which they shall respectively be appointed. The judges of election so appointed for each voting precinct shall determine all questions as to the right of any person or persons to register and vote in that precinct. The judges of election for the several divisions of any ward shall together declare the result of the election in that ward and certify the result. The Mayor shall certify the appointment of said judges of election and provide them at the city's expense with proper registration and election books and suitable election boxes in which the ballots shall be deposited. The Mayor and Board of Aldermen shall designate the place of registration and voting in each division of the respective wards. The registrar for each division so appointed shall attend at the place designated during the time required by this act for the purpose of registering the votes, and upon the day of election the judges so appointed shall attend at the designated place for the purpose of holding said election.
Judges and registrars.	
Judges to determine right to vote and to declare result.	Notice of election.
Mayor to certify appointment of judges.	
Place of registration, by whom designated.	

and the number of Aldermen to be voted for in each ward at said election.

SEC. 9. Every male citizen twenty-one years old shall be entitled to register and vote at any such election, who shall be entitled to register and vote for members of the General Assembly under the Constitution and Election Laws of this State, which may be in force at the time, and who shall have paid his municipal poll tax to the city for the year previous to said election; but no person shall be entitled to vote at such election unless he shall have been duly registered as herein required: *Provided*, that any person coming of age to vote after the day fixed for the closing of the registration books and on or before the day of election, and otherwise qualified to vote under this section, shall be entitled to register and vote on said day: *And provided also*, that removal from one precinct or ward to another in the said city shall not operate to deprive any person of the right to register and vote in the precinct or ward from which he has removed until four months after such removal.

Qualifications of voters.

SEC. 10. It shall be the duty of the registrars and judges of election, each or either of them, and the right of any elector to challenge the right of any person to register or vote suspected not to be lawfully entitled thereto, and when such shall be made, either as to registration, or voting, the said registrars and judges of election shall inquire into and decide as to the right of such persons so challenged to register or vote, and if it shall appear that such person is not so entitled, he shall be excluded from such registration and voting. And if the registrars shall not be satisfied that any applicant for registration is qualified to register, or if the said judges of election shall not be satisfied that any person applying to vote is not entitled thereto, although duly registered, or if any elector shall challenge the right of such applicant either to register, or, if registered, to vote, then said registrar and judges of election shall examine on oath the applicant or any witnesses that may be tendered, as to the qualification of said person to register and vote, and for the purposes of this act either the said registrars or judges of election are hereby authorized to administer oaths, and any person swearing falsely before them or either of them shall be deemed guilty of perjury and be punishable for that offence under the laws of this State. If the registrar at any precinct shall decide any applicant not to be entitled to register, after examining the applicant and witnesses, he shall record in a separate book labeled "Challenges," the name of such applicant, and at the time inform such person that he may appear on Wednesday before the election, at ten o'clock, at said precinct, before the judges of election for that precinct, who, on that day, shall assemble for the purpose of

hearing and finally deciding upon all questions as to the right of such person or persons to register. If the judges of election shall decide such person entitled to register, he shall be registered, but if they decide he is not so entitled, he shall not be registered. The judges of election, or a majority of them, who shall assemble on the day before election, shall be competent to determine all questions as to registration.

Books of registration, when opened and closed and what to contain.

SEC. 11. The said registrars shall, on the second Thursday of March, before each and every election for Aldermen, open books for the registration of voters at the places in their respective wards and precincts designated and appointed for that purpose by the Mayor and Board of Aldermen. Said registrars shall keep said registration books open from nine o'clock in the morning until six o'clock in the afternoon, on each and every day (Sundays excepted) from the day on which they are opened, as aforesaid, until the Tuesday next before the said election, inclusive, when the same shall be closed, and no registration shall be valid unless made within the time and hours in this section prescribed. The said registrars shall register the names of the voters in their respective ward divisions in alphabetical order, as near as may be, and also the number of the house and ward and subdivision of the ward in which such voters severally reside, and no registration shall be deemed valid under the provisions of this act that does not specify the name of the person applying for registration of the ward in which he resides. It shall be the duty of the registrar or registrars to administer to each person before admitting him to registration the following oath, to-wit:

"I, ..... do solemnly swear that I will support the Constitution and laws of this State; that I have been a resident of the State for two years, the county of New Hanover for one year, and in the ..... Ward four months (or that I will have been a resident for such time before the day of election); that I have listed and paid my municipal poll tax for the year previous, or am exempt by law from listing and paying the same; that I am twenty-one years of age, and have not been disqualified to vote by judgment or decree of any court."

After registering the name of any person, the registrar shall write upon the registration books opposite thereto the word "Sworn." Any person who in taking said oath shall swear falsely to the facts therein contained, shall be guilty of perjury and be punishable according to law.

Duty of judges of election.

SEC. 12. The judges of election shall attend at the places for which they are severally appointed on the day of election, open the polls and superintend the same until the close of the election. They shall keep poll books, in which shall be entered the name of every person who shall vote, which, at the close of the election,



they shall certify and together with the registration books deposit in the office of the Clerk of the city.

SEC. 13. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and no longer; and each voter duly registered as herein provided and who shall not be challenged and rejected, shall hand in his ballot to the judges, who shall carefully deposit the same in the ballot boxes Election, how conducted.

SEC. 14. When the election shall be finished, the judges of the election, in presence of such electors as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket, and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, or shall have a device upon it, in either of these cases such ticket or tickets shall not be numbered in counting the ballots, but shall be void, and the said counting of votes shall be continued without adjournment until completed, and the result thereof declared. When the judges of election for the several wards shall have completed the counting of the votes for their respective wards, they shall publicly proclaim the result of the voting in the same, for all the persons voted for, and the number of votes cast for each, and the said judges shall certify the same in writing, declaring who have been elected in their respective wards, giving a copy of said certificates to each of the persons elected in their respective wards, and filing another copy in the office of the Clerk of the city, and said certificate shall also be published in each of the daily newspapers in the city of Wilmington at least one time, and the said copies shall be given and filed, as aforesaid, on the day succeeding the election before the hour of twelve o'clock noon. Counting of votes.

SEC. 15. The votes shall be by ballots on white paper, without device, on which shall be printed or written, or partly printed and partly written, the names of persons voted for as Aldermen of the ward; and the two persons receiving the greatest number of votes, in each ward, at any election held under this act, shall be declared duly elected Aldermen of said ward: *Provided*, that if among the persons voted for Aldermen in any ward there shall be any two or more having an equal number of votes and either would be elected but for the equal number of votes, the judges of elections in such ward shall decide by a majority vote the election between such persons. Proclamation of result.

SEC. 16. That if any person named in this act shall fail to qualify or refuse to discharge the duties of registrar for the precinct for which he may have been appointed, the Mayor of said city shall fill the vacancy, or, if having qualified, he shall Certificates of election.

Ballots, description of.

Vacancies on board of registrars, how filled, and removals from same, how made.

fail to attend the place of registration, as required by law, or neglect or fail to perform the duties of registrar, or by reason of sickness or any cause be unable to do so, the Mayor shall remove such registrar and appoint another eligible person to serve as registrar for such precinct; and if any person appointed to serve and one of the judges of election for any precinct shall fail or be unable for any cause to attend on the day of election, or shall fail, neglect, or refuse to discharge the duties thereof, then the other judges of election for the precinct in which the vacancy shall occur shall fill the same.

Official oaths of officers of election.

SEC. 17. Before entering on the discharge of their respective duties, the registrar and judges of election shall severally take and subscribe, before some Justice of the Peace, an oath, that they will well and faithfully discharge their respective duties, and the oath so taken, duly certified by the Justice before whom taken, shall be filed in the office of the Clerk and Treasurer of said city, and the said registrars and judges of elections shall severally receive the sum of three dollars for each day they may be engaged in the respective duties imposed on them by this act or any other act in reference to said city, which sum shall be paid by the Clerk and Treasurer of said city, from the funds of said city, upon the certificates of the registrars and judges respectively, showing the performance by them, severally, of their respective duties, and duly certified by their respective oaths.

Pay of officers of election.

Penalty for illegal voting.

SEC. 18. Any person who shall register in any ward, or any person who shall vote in any ward, who is not entitled to vote in such ward, or any person entitled to vote in any ward in said city, who shall fraudulently or otherwise deposit more ballots than one in the ballot box of such ward, or who shall attempt to do so, or who, with intent to commit a fraud, shall register or vote in more than one precinct, or more than one time in the same precinct, or who shall induce another to do so, shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned not less than six nor more than twelve months, or fined not less than one hundred dollars nor more than four hundred dollars, and any registrar, inspector of election, or clerk, or copyist, who shall make any entry or copy of a registration, or returns of election with intent to commit a fraud, or shall commit any fraudulent or illegal act in the discharge of any duty incident to his office of registrar or judge of election, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to the same penalty.

Penalty for fraud by election officers.

Penalty for failure to provide for election.

SEC. 19. If the Mayor or Board of Aldermen shall fail to appoint registrars and judges of elections, as hereinbefore provided, or shall fail to designate suitable places of registration and for holding elections as aforesaid, or fail to furnish suitable

poll books or books for registration, or to provide suitable election boxes, in which the ballots may be deposited according to the provisions of this act, or if any Mayor shall fail to give public notice of such election, or if any registrar or judges of election shall refuse to qualify and act, or shall fail to perform any of his duties as herein prescribed, any Mayor or Aldermen, or registrar or judge of election so in default, shall forfeit and pay for the equal use of the city and of him who shall sue for the same, the sum of five hundred dollars; and if the Mayor or Alderman shall be found guilty of having committed any fraudulent or illegal act in discharge of any one of the duties incident to his office as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned not less than thirty days, or fined not less than three hundred dollars.

SEC. 20. That for the purpose of holding the first election for Aldermen to be held under this act, the present Mayor and Board of Aldermen of the city of Wilmington are invested with the power and the duties are imposed upon them which are given and imposed upon the Mayor and the Board of Aldermen created by this act, and it shall be the duty of said present Mayor and Board of Aldermen of said city to provide for the holding of the said first election.

Present mayor and board to have necessary powers for first election.

#### ALDERMEN TO MEET, WHEN.

SEC. 21. The Aldermen shall form one board, and a majority of them shall be competent to perform all duties prescribed and have all the powers granted to the Aldermen as a board, unless otherwise provided. The said board shall meet for the transaction of public business on the first Monday of each month, at such hour as it may appoint, and special meetings shall be held at the call of the Mayor or upon the written request of any three Aldermen, of which special meeting all the Aldermen shall be notified in writing. On the day immediately succeeding each biennial election for Aldermen, at the hour of twelve o'clock noon, the board shall convene in special session at the City Hall for the purpose of the qualification of members-elect and election of city officials, and before entering on their duties the Aldermen-elect shall before some Justice of the Peace or person authorized to administer oaths severally take and subscribe an oath that he will well and faithfully discharge the duties of Aldermen, which oath, duly certified by the officer before whom it may have been made, shall be deposited in the office of the Clerk and Treasurer of said city. If for any cause the said Aldermen-elect can not convene on the day, or at the hour aforesaid, they shall convene as soon thereafter as may be practicable, and take and subscribe the oath aforesaid. If any person elected an Alderman shall refuse to qualify, or if at any time any vacancy shall occur in said

Aldermen to meet, when. Quorum for business.

Newly elected aldermen, when to qualify.

Oath of office.

Vacancies, how filled.

board from any cause whatever, the other members of said board shall fill said vacancy by the election of some person duly eligible, and the person so elected shall take and subscribe the oath aforesaid.

#### ELECTION OF CITY OFFICERS.

Election of city officers.

SEC. 22. At the said special meeting to be held by the said board on the day after each biennial election, it shall proceed to elect from the duly qualified voters of said city at large the following officers: A Mayor, a Mayor *pro tem.*, City Clerk and Treasurer, Chief of Police, Chief of Fire Department, Superintendent of Health, and City Attorney, whose terms of office shall begin on the first Monday in April following the said biennial election and continue for a period of two years, and until their successors are duly elected and qualified. The said board may create, in its discretion, such other offices and prescribe the duties thereof, as it may deem necessary for the better government of said city, and to elect from the qualified voters of said city persons to fill the same, and such persons elected to offices so created shall serve at the will of said board. In the event of the inability or failure of said board to elect the said officers herein provided for at the said meeting, it shall be its duty to so elect them as soon thereafter as possible. In the event of any vacancies in either of said offices for any cause or in any offices created by said board, it shall be its duty to fill the same for the unexpired term.

#### DUTIES OF OFFICIALS.

Duties of officials.

SEC. 23. Each of the said officers before entering upon the duties of his office, shall, before some Justice of the Peace of New Hanover County, or other officer authorized to administer an oath, take and subscribe an oath that he will faithfully discharge the duties of his respective office, which said oath shall be certified and filed with the City Clerk and Treasurer. The compensation to be paid to said officers shall be fixed by the Board of Audit and Finance. The said officers shall attend at their respective offices at such hours as may be designated by the board.

Official oaths, pay of officers, etc.

Mayor, powers and duties of.

SEC. 24. The Mayor of said city shall be the executive head of its administration. He shall have the seal of the corporation. He shall discharge all duties incident or attached to his office by virtue of any law, this act or any ordinance of said city. He shall preside over the meetings of the Board of Aldermen, having the casting vote in case of tie upon any question or election, and shall preside over the municipal court hereinafter created. He shall enforce the ordinances of said city and the performance of public duties by subordinate municipal officers and employees.

He shall have the right to suspend officials or employees of said city, except as hereinafter provided in this act.

SEC. 25. The Mayor *pro tem.* shall act as Mayor, in the case of Mayor *pro tem.* the sickness, inability or absence of the Mayor. He shall be elected from the Aldermen and remain a member of the board.

SEC. 26. The Clerk and Treasurer shall keep regular and fair minutes of the proceedings of the board, preserve all books, papers and articles committed to his charge, receive and safely keep for the use of the city all moneys, securities and records belonging to the city, receive and disburse the funds according to such orders as may be drawn on him in the manner hereinafter specified; he shall keep in such books, as shall be provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and submit such account and said books to the board whenever required so to do; shall have charge of the tax list of said city and collect all taxes, license fees and dues owing thereto; call on all persons who may have in their hands, or under their control any moneys or securities belonging to the city, which ought to be paid or delivered into the treasury. On the expiration of his term of office, whether by lapse of time or removal, he shall deliver to his successor all the moneys, securities, books, papers and other property entrusted to him for safe keeping or otherwise; and during his continuance in office he shall faithfully perform all the duties lawfully imposed on him as Clerk and Treasurer. He shall execute a bond, well and sufficiently secured, payable to the city of Wilmington, in such sum, not less than twenty thousand dollars, as the Board of Audit and Finance shall prescribe, conditioned for the faithful discharge of the duties of his office. He shall annually make a fair transcript of the receipts and disbursements of the city for the general inspection of the citizens, and cause the same to be posted in some convenient and accessible place in the City Hall, and the same published in at least one daily newspaper published in said city.

SEC. 27. The Chief of Police shall be Chief of the Police Department, the Chief of Fire Department shall be the Chief of that department, the Superintendent of Health shall have charge of the Health and Sanitary Department, and their duties shall be such as are imposed by law, this act, and as prescribed by the Board of Aldermen.

SEC. 28. The City Attorney shall be legal adviser of the said city, conduct and defend suits brought for or against the same, and shall perform such other duties relating to his official position as may be prescribed by the said Board of Aldermen.

SEC. 29. The Board of Aldermen are hereby empowered to suspend without notice for a period not longer than thirty days, and to remove, after the notice hereinafter provided, any officer of

Clerk and treasurer.

Chief of police.

Suspensions and removals from office.

said city designated in section 22 of this act, for malfeasance in office, neglect of official duty, incompetency or inability: *Provided*, that seven of the ten Aldermen shall at any meeting of the said board vote for such suspension or removal: *And provided further*, that before the removal of any such officer the said board shall cause to be preferred and served upon the accused written specific charges, at least ten days in advance of the meeting at which it is proposed to consider such charges, and summoning him to appear at said meeting and answer the same. The accused may be represented by counsel before the board. No officer, while suspended, shall exercise any of the functions of his office or enjoy the emoluments thereof, except in the discretion and at the will of said board. If any such officer shall be removed, the said board shall declare the office vacant and may elect an eligible person to fill the same for the unexpired term; and any officer of said city having been so removed and a vacancy declared in his said office, under the provisions of this act, who shall continue or attempt to continue in said office, or who shall refuse to deliver over the same to his successor so elected shall be guilty of a misdemeanor and upon conviction shall be fined one hundred dollars and imprisoned for six months; and no person so removed from office shall have any action against said city for damages or loss of salary which he may allege by reason of such removal.

#### MAYOR'S COURT.

Mayor's court,  
jurisdiction of,  
etc.

SEC. 30. That the Mayor of the said city of Wilmington, while acting as such, is hereby constituted an official and municipal court, with all the jurisdiction and powers in criminal offences occurring within the corporate limits of the city of Wilmington and within one mile thereof, which are now or may hereafter be given to Justices of the Peace, and shall also have jurisdiction to hear and determine all misdemeanors, consisting of a violation of the ordinances and by-laws of said city. The proceedings of said court shall be the same as are now or may be hereafter prescribed for courts of Justices of the Peace, and in all cases there shall be a right of appeal to the next succeeding term of the Superior Court of New Hanover County. In all cases of appeal from the Mayor's judgment, the Mayor shall require bond, with surety, which, in his judgment, is sufficient to insure the defendant's appearance at the next succeeding term of the Superior Court, and on failure to furnish said bond, the Mayor shall commit the defendant to the common jail of New Hanover County. All fees and charges in said Mayor's Court shall be the same as those prescribed by law for a Justice of the Peace, and when collected, shall be paid over to the Clerk and Treasurer for the use of said city.

SEC. 31. That all penalties or fines adjudged against any person or persons by said Mayor's Court, shall be recoverable in the name of the city of Wilmington before the Mayor or any tribunal having jurisdiction thereof; and from any judgment of the Mayor for any penalty or fine, or other cause of action, the party dissatisfied may appeal in like manner and under the same rules and regulations as are now or may be hereafter prescribed by law for appeals from a judgment of a Justice of the Peace.

Fines and penalties, how recoverable.

Appeals.

SEC. 32. That in all cases where judgment may be entered up against any person or persons for fines or penalties according to the laws or ordinances of the city of Wilmington, and the person or persons against whom the same is so adjudged, refuses or is unable to pay such judgment, it may and shall be lawful for the Mayor of said city to order and require such person or persons so convicted to work on the streets or other public works of said city as may be appointed, until at a fair rate of wages such person or persons shall have worked out the full amount of the judgment and costs of the prosecution. And all fines and penalties incurred by the breach of any law or ordinance of said city by any minor, shall be recovered from the parent, guardian or master (if an apprentice) of such minor so offending.

Parties failing to pay fines and costs, to be worked on the streets.

Fines and penalties incurred by minors, from whom recoverable.

SEC. 33. That the Mayor of the said city may issue his precepts to the Sheriff, Chief of Police, any Constable or any Policeman of said city, or to such other officer or officers to whom a Justice of the Peace may direct his precepts. And the Chief of Police and all other Police officers of said city shall have the same authority to make arrests and to execute criminal process within the corporate limits of said city and in the counties of New Hanover and Brunswick within one mile in any direction from said limits, as is vested by law in a Sheriff. And any person who shall resist or obstruct any officer of said city in the discharge of his duties by force, threats, or otherwise, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Precepts of mayor, to whom issued.

Authority of police officer to make arrests.

Penalty for interference with officer.

SEC. 34. That the Mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings. The precepts issued by him shall have all the force, virtue and validity of precepts issued by a single Justice of the Peace, and may be executed and enforced against parties in the county of New Hanover, for violation of any of the ordinances or by-laws of said city, in the said city of Wilmington and elsewhere, in the same manner and by the same means as if the same had been issued by a Justice of the Peace for the said county of New Hanover.

Mayor to keep record of precepts.

SEC. 35. No person arrested by the City Police for a violation of the laws of North Carolina or the ordinances of the city shall

Persons arrested by police to be brought before

mayor for trial, except on affidavit of removal.

be brought before any other person than the Mayor for trial or submission, except upon the usual affidavit for removal now provided by law.

Tramps and vagrants.

SEC. 36. It shall be the duty of the Mayor to have all persons who are tramps or vagrants, as defined by the laws of North Carolina, brought before him and to notify such tramps or vagrants to find employment within twenty-four hours or leave the city; and upon failure or refusal to do so within said time to arrest and put them to work on the streets not exceeding thirty days.

Houses of ill-fame.

SEC. 37. That the Mayor or Mayor *pro tem.* shall have power to try and determine any person or persons charged of keeping a bawdy house, a house of ill-fame or a disorderly house within the corporate limits of said city, and upon complaint made upon oath to either of said officers by any Policeman of said city or by any other person that any such house exists, it shall be the duty of the Mayor to issue his warrant directed to the proper officer, requiring him to arrest the person or persons so charged with keeping such house; and if upon such trial the person so arrested shall be adjudged guilty, they shall be fined fifty dollars or imprisoned ten days for each and every offence. Such warrant may be issued for such offence each day, and the keeping of such house shall constitute a new offence each day that it is kept and so adjudged; and upon such adjudication the Mayor may, and the power is hereby expressly given him, to issue a writ directed to the Chief of Police of said city to remove from such house the person so adjudged to be guilty, and all agents and abettors thereof: *Provided, however,* that any person so convicted shall have the right of appeal, as under the existing laws of this State, but said appeal shall not be construed to hinder or delay the power of the Mayor from abating said nuisance by the writ above directed to be issued; that any person owning a house occupied by any person who has been convicted under the preceding section, shall, upon three days' notice thereof, to be served upon him by the Chief of Police of said city, be deemed an agent, aider or abettor in such offences, unless within said time he shall have ejected the said person so convicted from said house: *Provided,* said owner has the right to eject her or him, and upon failure, after said notice and such adjudication, he shall be found liable and shall be fined twenty-five dollars for each and every day such failure shall continue.

Penalty for keeping.

Appeals.

Owner of house when decreed an agent.

House of ill-fame defined.

Penalty for renting a house to be used as a bawdy house.

SEC. 38. That any house in which prostitution, lewdness or illicit connection of the sexes is permitted, shall be considered a house of ill-fame within the meaning of section 37 above.

SEC. 39. Any owner or agent of such owner of any house or houses, who may rent, or cause to be rented, or occupy, or allow to be occupied, any house, or portion of a house, to be used as a



house of ill-fame in the said city of Wilmington, shall, upon conviction thereof, be fined fifty dollars, or be imprisoned ten days, and each day such houses shall be so rented or occupied shall constitute a separate offence, and any owner, or agent of such owner, of any house or houses in said city, who shall suffer or permit any woman of ill-fame to occupy any house or houses in said city, or portion thereof, for the purpose of fornication or adultery, for the space of three days after notice thereof by the Chief of Police of said city, shall, upon conviction thereof, be subject to the fine and imprisonment specified in this section.

#### POWERS OF ALDERMEN ENUMERATED.

SEC. 40. The Mayor and Board of Aldermen shall have the management and control of all of the affairs of said city and of its property, real and personal, and may make such orders and by-laws relating to the same as they shall deem proper and necessary, and further, they shall have power to make, continue, modify and repeal all such ordinances, by-laws and regulations as they may deem necessary or advisable for the government and welfare of said city, and to secure order and quiet within the limits of said city and for one mile beyond and around the same; and enforce their ordinances, by-laws and regulations by imposing penalties and imprisonment on such as violate them, and compel the performance of the duties they impose upon others by suitable penalties. Powers of aldermen enumerated.

SEC. 41. The said Mayor and Board of Aldermen shall have power— Specific power of mayor and board of aldermen relative to subjects mentioned below.

(1) To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages and disorderly conduct. Peace and good order.

(2) To suppress gaming and bawdy houses, and to impose penalties by fine upon owners and agents knowingly leasing property to persons who conduct bawdy houses. Gaming and bawdy houses.

(3) To forbid and prevent the sale or other disposition of intoxicating liquor in any store or other place not duly licensed; and to forbid the selling or giving to be drunk of any intoxicating liquors to any minor without the consent of his or her parent or guardian. Intoxicating liquors.

(4) To prohibit, restrain and regulate all sports, theatrical sports, etc., exhibitions, circuses or any other public performances and exhibitions for money.

(5) To direct the location of all slaughter houses; to abate or remove all nuisances of any kind, and to compel the owner or occupant of any grocery store, shop, stall, factory, tannery, stable, privy, hog-pen, sewer or other offensive, dangerous or unwholesome house or place, to cleanse, remove or abate the same

whenever deemed necessary for the health, comfort, convenience, or safety of the inhabitants of said city.

Magazines for  
gunpowder and  
combustibles.

(6) To erect and provide one or more magazines for the storage of all gunpowder or other combustible material brought to said city, or its vicinity, and intended for sale in said city, or intended for transportation to some other place, and may, by such ordinances as they may make, compel all such material to be stored in such magazines, and regulate the price of such storage.

Location of gun-  
powder storage  
houses, etc.

(7) To direct the location of all buildings for storing gunpowder or other combustible substances, and to regulate the sale and use of gunpowder, firecrackers, fireworks or other combustible materials, as well as the exhibition of fireworks, the discharge of firearms, the use of candles, lamps or lights, heating apparatus in stables and other buildings, and to prevent the making of fires on the wharfs or in the streets, alleys or private yards.

Obstruction of  
streets.

(8) To prevent the obstruction of streets, walks, public alleys, bridges or wharfs, and compel all persons to keep sidewalks in front of their premises clear from sand, dirt, wood, boxes or other obstructions. To prevent fast or immoderate driving or riding on any street, and to authorize the arrest of any person guilty of the same. To prevent any railroad from obstructing the streets by their engines, coaches or cars, except when such engines, coaches or cars shall be actually employed in transit.

Railway crossings  
and speed of  
trains.

(9) To determine and designate the route and grades of any railroad or street railway laid or to be laid on or over any street in said city, and to regulate the rate of speed of locomotives, engines and cars moving upon the same.

Bathing in public  
places.

(10) To regulate or prohibit bathing in public places.

Drunkards, va-  
grants, etc.

(11) To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions.

Pounds.

(12) To establish and regulate pounds and restrain and regulate the running at large of dogs, horses, cattle, swine and all other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and for the cost of keeping same.

Putrid meats.

(13) To prohibit any person from bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction of the same, or of any putrid meats, fish, birds or skins of any kind whatever found in any public market or private premises.

Bell ringing.

(14) To regulate the ringing of bells and prevent disturbing noises in the streets or within the limits of said city.

Quarantine regu-  
lations.

(15) To require the removal from the populous parts of the city of all persons having infectious or pestilential diseases, and

to prohibit and prevent all persons recently from any place where any contagious or infectious disease exists, or has recently existed, from entering said city, and to prevent all goods and chattels from being brought to said city from said place, and generally by their ordinances or otherwise; to adopt such precautionary measures to prevent the introduction of infectious or contagious diseases into said city as they may deem expedient; they shall also have power to prevent or restrain communication with the inmates of any house in said city in which any person may be afflicted with any infectious or contagious disease.

(16) To forbid or regulate the interment of dead bodies within the limits of said city, and to compel the keeping and the return of bills of mortality and vital statistics. Burials in city.

(17) To build, erect, establish and regulate markets and prevent tainted or unwholesome provisions being sold. Markets.

(18) To regulate the vending of wood, meats, vegetables, fruits, fish, poultry and provisions of all kinds, and to prescribe the time and place for selling the same and of ascertaining the weight and quality thereof. Vending goods, etc.

(19) To establish, make, regulate and preserve public reservoirs, cisterns, hydrants and pumps, and to prevent injury to the same or waste of water. Public reservoirs, etc.

(20) To provide for paving, repairing, cleaning and keeping in order the streets, bridges and public alleys, providing lights for the same, and the protection and safety of the street lamps. Paving and repairing streets.

(21) To protect and preserve shade trees in the streets, and regulate the planting of the same, and to cause such trees to be pruned and trimmed so that the same shall not obstruct or prevent the proper lighting of the streets. Shade trees.

(22) To require any merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight to cause their weights and measures to be sealed by the Standard Keeper, and to be subject to his inspection. Weights and measures.

(23) To prevent casting into the river any earth, dirt or other obstructions, and to regulate the building of wharves along the river front; and to direct the distance to which the same may extend into the river. Throwing refuse into river, and building of wharves.

(24) To fix and establish the maximum rates of wharfage and storage to be charged by any person for the hire or use of any wharf or warehouse, and to charge a dockage fee for use of public docks and to change the same in their discretion. Maximum rates of wharfage and storage.

(25) To prescribe the number of licenses to retail spirituous liquors by a measure less than a quart, which may be from time to time granted for use in said city; to prescribe and fix the amount to be paid to said city for any one of such licenses; to Liquor licenses.

declare and ordain by any ordinance made before the issuing of any such licenses what act or acts shall be considered a violation of such licenses, and to prescribe and impose such fines and penalties and forfeitures, for any such violations, as to them may seem judicious and necessary for restraining those persons so licensed from any abuse of the privilege conferred by such license, or of revoking or annulling the same altogether. And no person other than such persons as may have a license to retail spirituous liquors in said city, shall retail in said city by any measure less than one gallon any lager beer, rice beer, ale, porter or any other malt liquor by whatever name the same may be called unless such person shall have obtained from the Mayor and Board of Aldermen of said city a license so to do, and the Mayor and Board of Aldermen shall have the same power and authority, in reference to the retailers, as aforesaid, of lager beer, rice beer, ale, porter, or other malt liquors, and to the license to retail the same, which said Mayor and Board of Aldermen now have as to retailers of spirituous liquors, and to licenses to retail the same, and if any person shall retail in said city any of the liquors referred to in this section, without having a license so to do, he shall be deemed guilty of a misdemeanor, and may be indicted in the Criminal or Superior Courts of the county of New Hanover, and on conviction shall be fined not less than the amount of the tax charged, at the time of such conviction, by said Mayor or Board of Aldermen on licenses to retailers of malt liquors; and any such person shall further forfeit and pay to the city the sum of one hundred dollars. And the jurisdiction, powers and authority of the Mayor and Board of Aldermen on all matters connected with or in reference to retailers of spirituous liquors by a measure less than a quart, or the granting of licenses to conduct, carry on or practice any calling, trade, business or profession, shall extend not only to the corporate limits of the city, but also one mile in all directions beyond and outside said limits.

#### OPENING NEW STREETS.

##### Opening new streets.

SEC. 42. The Mayor and Board of Aldermen are hereby empowered to lay out and establish such streets, public lawns and alleys within the corporate limits of said city as to them shall seem to be required for the public convenience, and from time to time, as to them shall seem necessary, shall cause such streets and alleys so laid out and established to be opened, and such streets so opened shall conform as near as may be to the streets designated on the present plan of said city: *Provided*, that no street, alleys or ways of any kind whatsoever shall at any time be opened in that portion of said city which as now enclosed belongs to the proprietors of the Wilmington Cemetery, or which

belongs to the Pine Forest Cemetery or Bellevue Cemetery without consent of a majority of the lot holders or incorporators of said cemetery companies through the lands of which it may be desired to open any street, alley or way.

SEC. 43. The said Mayor and Board of Aldermen may acquire by dedication or purchase lands necessary for any street or alley or any part of any street proposed to be established and opened, as aforesaid, or possess the same by condemnation for the public use and the proceedings for the condemnation of said lands shall be the same as is provided for in chapter 49, volume 1, of The Code of this State, or any amendments thereto: *Provided*, that the commissioners appointed to appraise the value of the lands so condemned for the use of the public streets shall also appraise the value of the benefits accruing to the owner of any remaining part of said land abutting on the proposed street. If the benefits to the land owner shall exceed the damages to his land, then the Court shall render judgment upon the report of the commissioners in favor of the city for the differences of the appraised benefits over the appraised damages, and the amount shall be a lien upon the land of the said owner abutting upon said street and shall be due and payable to the city within six months from the date of such judgment of the Court; and upon default in the payment thereof, at the time aforesaid, execution shall issue to sell the said abutting land for the satisfaction of said debt. If the appraised value of the land so condemned shall exceed the benefits appraised against the owner thereof, then the said owner shall have judgment against the city for the difference between the appraised value of the land and the appraised value of the benefits, and it shall be the duty of the Board of Aldermen and Board of Audit and Finance of said city to pay the said sum, within six months after the decree of the Court; and until such sum is so paid by said city or deposited in Court the said city shall have no right to enter upon the lands so condemned.

Purchase or condemnation of lands for streets.

#### STREET IMPROVEMENTS.

SEC. 44. The Mayor and Board of Aldermen shall have full power and authority, in their discretion, to grade, pave, macadamize and otherwise improve the streets, public lawns and alleys of said city, and to construct sidewalks and pave and repave the same, and to put down crossings, curbings and cross-drains, and otherwise improve the same, and it is made the duty of said Mayor and Aldermen, whenever a majority of the owners of property abutting upon any street, or section of not less than a block thereof, shall so petition said board in writing to construct a substantially permanent sidewalk to be laid with brick, asphalt or other durable material as said board may direct along said

Street improvements.

designated street or section thereof, and the cost of construction of said sidewalk shall be prorated between and be paid by all owners of property fronting upon the sidewalk so improved, as provided in section 45 of this act; and it is further made the duty of said Mayor and Aldermen whenever a majority of the owners of property abutting on both sides of any street, or section of not less than a block thereof, shall so petition said board in writing to have the said street or section designated macadamized or laid with vitrified brick or other durable material between the curbs on either side of said designated street or section, and the cost of such improvement shall be prorated between and paid by the said city and the owners of property fronting on said improved street or section, as provided in section 46 of this act.

Assessments of real estate for street improvements.

SEC. 45. In order to more effectually carry out the authority delegated and the duty imposed by section 44 of this act, the said Mayor and Board of Aldermen shall assess the cost of paving and otherwise improving the sidewalks of said city exclusive of the necessary curbing for the same on the real estate abutting on the streets, and on the side of the street on which the sidewalk is so improved.

Additional assessments of abutting property.

SEC. 46. In order to more effectually carry out the authority delegated and the duty imposed by section 44 of this act, the said Mayor and Board of Aldermen shall assess one-third of the cost of the grading, paving, macadamizing, constructing side-drains, and all other necessary drains and crossings, or otherwise improving the roadway or street proper, on the real estate abutting on each side of the street so improved or repaired: *Provided*, that the provisions of the next preceding section, authorizing the assessment on the abutting property owners of the whole cost of paving sidewalks exclusive of curbing shall in no way be affected hereby, but that these assessments by virtue of this section upon the abutting property, shall be in addition to whatever may be thereon assessed under the said preceding section.

Equalization of assessments.

SEC. 47. That to equalize the assessments on real estate for the purposes described in sections 45 and 46 of this act, the said Mayor and Board of Aldermen shall estimate the total cost of such improvements made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the sidewalk or street or portion thereof so improved: *Provided, however*, in order to avoid obstructing land owners in subdividing and selling their property by reason of the liens hereby created upon the same, such land owners may subdivide their lands in such manner as they may see fit and shall file in the office of the City Clerk a plot of such subdivisions, making the lots fronting on the streets or sidewalks so paved or improved of

any desired frontage, and the assessments made and the liens created by virtue of the act for street improvements shall thereafter affect and attach to such front lots separately, each lot being charged with its ratable proportion of said assessments and lien according to its frontage. Whenever the said Mayor and Board of Aldermen shall order paving or other improvements to be made on any street or any part thereof in the said city, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots and properties abutting on said street or the portions thereof so proposed to be improved, showing the exact frontage, and also the subdivisions, if any, and the said map shall be filed in the office of the City Clerk, to be subject to public inspection; and when the assessments and liens herein provided for shall have been made upon the various lots and properties on the street the said City Clerk shall write upon the said map the amount assessed upon the same, and he shall keep a record book showing such assessments, liens and the date and amount of all payments made on any of said assessments and liens.

SEC. 48. That the amount of the assessments for such street improvements as hereinbefore provided, being estimated on each piece of real estate as above directed, shall be a lien on such real estate, and the said Mayor and Board of Aldermen shall cause the city engineer to make a survey and a report of the amount of the work done and the cost thereof, upon what street or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot and pro rata share of such cost of such street improvement to be assessed against such real estate; and upon the adoption and approval of the said report, the liens authorized by this act shall become complete and operative, and shall be paramount to all other liens on said real estate except the liens for taxes thereon, and the said report shall be transcribed upon the minutes of the said Board of Aldermen, and the amount of said liens and of said assessments against all property abutting on said streets as aforesaid, shall become due and payable as follows, to-wit, one-fifth in thirty days after the adoption of said report, and the balance in four annual installments, which deferred payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid, and upon the filing of said report the said Mayor and Board of Aldermen shall cause ten days' notice to be given by publication in some newspaper published in said city, stating that such report has been filed in the office of the City Clerk, and that at the first regular meeting of the said Board of Aldermen to be held after the expiration of said ten days' notice, the said Board of Aldermen would consider said report, and if

Assessments a  
lien on real estate  
assessed; provisions  
as to same.

no valid objections be made thereto, the same would be adopted and approved by said board. Any owner of land affected by said liens for assessment shall have the right to be heard concerning the same before the said Board of Aldermen by filing objections thereto in writing, duly verified by his oath, in the office of the City Clerk at least two days prior to the first meeting of the board, at which said report may be approved and confirmed, but not thereafter, and any person so objecting to the confirmation or approval of said report shall state in said objections in writing what part, if any, of said assessments he admits to be lawfully chargeable to his said land and what part thereof he disputes, and said Board of Aldermen shall hear said objections, and shall thereafter approve or confirm said report and overrule said objections or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act. Any person who shall have filled obligations of said report shall have the right within ten days after the approval or confirmation of the same by the said Board of Aldermen, and not after that time, to appeal from the said decision of the said Board of Aldermen to the next term of the Superior Court of New Hanover County, North Carolina, by serving upon said city notice in writing of his intentions so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the Clerk of the Superior Court of New Hanover County a written undertaking in at least the sum of two hundred dollars, with sufficient sureties, to be justified before and approved by said Clerk to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of such appeal, if the Court shall finally render judgment against said appellant. In case of an appeal as aforesaid a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the Mayor and Board of Aldermen, a copy of the objections of the appellant thereto, and of said notice duly certified by the City Clerk, shall constitute the record on appeal, and when filed in the office of the Clerk of the Superior Court of said county, the same shall be docketed in the civil issue docket in the name of the person taking such appeal against the city as "An appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of said city, but said city shall have the right to file a further answer or defence thereto if it be so advised, and said cause shall stand for trial at the next term of Court, beginning more than ten days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within thirty days after the confirmation of said report, all right to prosecute such appeal shall be



thereby forfeited. And upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien of said assessment shall be discharged; if, however, the issues or any of them be found in favor of the city to any amount, and if it be thereby ascertained that the appellant is due to said city any amount by virtue of the matters therein referred to, or that said land is subject to a lien for said assessment or any part thereof, then the amount so found in favor of the city, with interest thereon, together with cost thereon accrued, which cost shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of said report by said Board of Aldermen, and shall be collected by the said city in such manner as the other assessments herein provided for are collected. The adoption and approval of said report of the city engineer by said Mayor and Board of Aldermen shall complete the said liens for the amount therein stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid; and in case of a failure to pay either of said assessments or any installment thereof within thirty days after its maturity, then the whole thereof shall become immediately due and payable, and the Mayor and Aldermen shall cause suit to be instituted by said city against the property owner defaulting in the payment of the said assessment, at the time stipulated, in the Superior Court of New Hanover County, for the foreclosure of said lien and the sale of said property, and in the trial of said suit the minute book of said Board of Aldermen containing the said report, together with the plot prepared by the city surveyor or engineer shall be received and be *prima facie* evidence of the correctness of the amount of said assessment so made against the defendant property owner. If upon such trial the issues be found in favor of the defendant, then the lien shall be discharged; if, however, the issues shall be found in favor of the said city to any amount, then the said amount so found, together with six per cent interest and the cost of the action, shall be adjudged a lien paramount over all other liens against said property, except liens for taxes due the city, State or county, and the Court shall decree the sale of said property, according to its process.

SEC. 49. That any and all street railroad which heretofore have or hereafter may construct any such roads over the streets of the city of Wilmington shall do so only upon the following conditions, to-wit: First, that they shall use only such rails and of such character as shall be designated by the Board of Aldermen of said city; second, shall properly place, grade and complete the street and pave the same between the lines of rails and

Street railways.

for eighteen inches upon the outside of each rail in such manner and at such grade as they shall be directed by the Board of Aldermen of said city; third, and the said railroad company shall be required to keep the said streets between its rails and for eighteen inches upon the outside of each rail in good condition and repairs as required by the Board of Aldermen of said city as long as the same shall be used by the said railroad; fourth, that in case any such railroad company shall fail to comply with the conditions of this act, or to keep the streets as above required in a proper condition and repair, as required by the said Board of Aldermen, then the said Board of Aldermen may cause the same to be done, and the cost thereof shall be taxed against and shall constitute a lien upon the road-bed, cross-ties, stringers and rails of such railroad, and the same may be foreclosed and sold as hereinbefore provided to collect liens against abutting owners for improvements to streets, and such failure may also, in the discretion of the said Board of Aldermen, operate as a forfeiture of the right of said railroad to pass over its streets: *Provided, however,* that before the same shall be declared a forfeiture the said railroad shall have thirty days after notice by the Mayor in which to put the same in proper condition and repair, and upon their failure to do so within the said time after such notice, the same may be declared a forfeiture of the charter as above stated: *And provided further,* that whatever sum may be paid to said city by any railroad company for constructing its railroad on the streets of said city, or for paving or repairing the same between its rails on each side thereof, as hereinbefore stated, shall be deducted from the cost of improving or grading the streets assessed against the city, and that whether the said railroad shall run through the center or upon either side of the street, and shall not in any event be deducted from any sum assessed against the abutting land owners under the provisions of this act.

Notice of damage  
suit against city.

SEC. 50. That all claims against the city for damages or injury, whether to person or property, alleged to have arisen from the defective, unsafe, dangerous or obstructed condition of any street, cross-walk, drain or sewer, culvert or bridge of said city, or from the negligence of the city officials in respect to any such street, cross-walk, sidewalk, drain or sewer, culvert or bridge, or for any cause alleged to originate in the neglect or failure of said city, its officials or agents to perform their corporate duties, shall, within sixty days after the happening of such injury or damage, be presented to the Mayor and Board of Aldermen of said city by writing, signed by the claimant, his agent, attorney, parent or guardian, and properly verified, describing the time, the place, the cause, and the extent of the damage or injury, and that the claimant will demand satisfaction therefor, and no suit

shall be brought against the said city after two months from the date of any such injury or damages, unless the said notice shall have been presented within the time specified: *Provided*, where any such suit shall be instituted against said city upon any such claim, and the complaint be filed and a copy thereof served on the defendant city, within sixty days from the happening of the injury or damage complained of, the notice by this action required need not be presented. The said notice shall be addressed to the Mayor and Board of Aldermen, and when deposited with the City Clerk shall be deemed a sufficient compliance with this requirement.

SEC. 51. That the Mayor and Board of Aldermen are empowered to prevent the erection of any building, wall, fence or other structure until the street line of the lot on which such building or structure is to be erected shall be designated and established by the city surveyor, and to remove or cause to be removed all buildings, walls, fences or other obstructions, now or hereafter on any of the established streets or alleys of said city; and to provide for the punishment of any person or persons by fine and imprisonment who shall erect on the public streets or alleys any buildings, walls, fences or obstructions of any kind, and who shall refuse to remove the same when ordered by said Mayor and Board of Aldermen. And the said Mayor and Board of Aldermen may further provide that each day that such obstruction shall remain upon the street after its removal shall have been ordered shall constitute a separate and distinct offence, and for each offence the said board may provide the punishment hereinbefore authorized: *Provided*, when any building which shall have been erected upon any street before the said street was opened or dedicated to the use of said city, under this act or any act hereby repealed, shall be removed by the said Mayor and Board of Aldermen, as herein authorized and empowered, the damages, if any, suffered by the owners shall be ascertained and liquidated in like manner as herein in this act provided in cases for the condemnation of lands in establishing and opening new streets in said city.

Erection of buildings, etc., on streets.

SEC. 52. The Mayor and Board of Aldermen of said city are hereby empowered from time to time to make and establish all such ordinances and laws as they may deem necessary respecting the streets, public lawns, alleys and highways, the public buildings and improvements of every kind and description, which now or hereafter may belong to said city, lamp posts, fire alarms, cisterns, pumps, sewers, wells and trees, telegraph poles, electric wires, street railways and trolley lines, which now or hereafter may be in any of the streets of said city, and all proper regulations for the use, care and maintenance of sidewalks, and to enforce obedience to such ordinances, regulations and laws, by im-

City ordinances.

posing fines and penalties, as to said Mayor and Board of Aldermen may seem judicious and proper.

Purchase of lands  
for public build-  
ings.

SEC. 53. The Mayor and Board of Aldermen of said city are hereby vested with full power to purchase, lease or acquire for the use of said city, all such real estate within or without the limits of said city as shall in their discretion be necessary for the erection of hospitals, pest-houses or other public buildings, and grounds appurtenant thereto, and for the construction of sewers, water or electric plants, and to purchase or lease any lands for the quarrying of rock to lay on the public streets, and to operate such quarries, and to purchase and acquire such real estate for such other purposes as by them may be deemed necessary for the public interest and convenience.

#### SEWERAGE SYSTEM.

Sewerage system.  
Purchase and  
maintenance.

SEC. 54. The Board of Aldermen of said city are hereby invested with power to lay and maintain a system of sewerage for the public convenience through the streets of said city, and through the lands of any persons or corporations situated within or without the corporate limits, and for that purpose may cause to be condemned the lands of any person or persons, corporation or corporations in the same manner as provided by this act for the condemnation of lands for the opening of new streets, and the damages sustained by and the benefits accruing to the owners of said land shall be ascertained and assessed, with the same rights and remedies as herein provided for the condemnation of lands in laying out new streets in said city.

Control and  
repair.

SEC. 55. That when the Board of Aldermen shall have caused the proper water and sewerage pipes to be laid through any of the streets of said city, the said board shall keep in proper condition and repair the same from time to time, and shall require each and every house bordering upon any street where said water and sewer pipes have been laid to make such connections with the sewer and water pipes as may be necessary for the proper cleansing and carrying out of the sewerage system; and the said Mayor and Board of Aldermen shall direct the contractor, builder, owner or other person having the charge and control of such building to make such sewerage and water connection as above stated under the directions of the city engineer, and in case such builder, owner, contractor or other person having charge of the property shall fail to make such connection with sewer and water within sixty days after notice shall have been served upon him, then it shall be the duty of the Mayor and Board of Aldermen to order such connection with sewerage and water to be made under the direction of the city engineer, and as by him

shall seem best to be done and the reasonable cost thereof which shall be certified by the city engineer and whose certificate shall be *prima facie* evidence thereof and of its reasonableness, shall be paid by the city and shall constitute from the date of the first report of said engineer a lien upon the land and buildings into and upon which such connection has been made and work done, and the same shall become due and payable as follows: One-third at end of ninety days from the filing and acceptance by the Board of Aldermen of the engineer's certificate of cost thereof, and the balance in equal installments of one, two, three, four, and five years from said date. The said amounts shall bear interest from the date of said report until paid at the rate of six per centum per annum, and they shall be collected as herein provided for the collection of assessments upon land for street improvements: *Provided, however*, that the same may be paid at any time before their maturity if the owner of the land desires.

SEC. 56. That in order to provide a system of public sewerage for said city, the said Board of Aldermen may in its discretion, and shall upon the petition of three hundred duly qualified electors, cause an election to be held, in like manner as elections of Aldermen are held and at such time as may be designated by said board to determine upon an issue of bonds for sewerage in a sum not to exceed two hundred thousand dollars, at which election the qualified voters shall be entitled to vote for or against the issuing of such bonds. At such election those favoring the issue of such bonds shall vote on printed or written ballots "Bonds for Sewerage," and those opposed to such issue, on printed or written ballots "No Bonds for Sewerage." The same notice of such election shall be given as is provided in elections for Aldermen, and such notice shall specify the amount of the bonds proposed to be issued. The Mayor and Board of Aldermen of said city shall appoint the same number of judges of election to hold said election as is appointed for the holding of elections for Aldermen, and the returns thereof shall be made and the result declared and certified, and as so certified shall be filed in the office of the Clerk and Treasurer of said city, and be taken as evidence of the same in any court in this State: *Provided*, that a new registration shall not be necessary before said election, but the registration for the preceding election of Aldermen shall be deemed sufficient; but the registration books shall be opened for the purpose of the registration of such voters as may have become entitled to vote since the previous Aldermanic election. If the result of said election shall show that a majority of the qualified voters of said city favor the issuing of said bonds, then the Board of Aldermen and the Board of Audit and Finance of said city are hereby authorized, empowered and directed to

Question of bonds for sewerage to be submitted to voters.

Specifications as to funds.

issue coupon bonds, payable not exceeding thirty years after date of issue, with interest, payable semi-annually at a rate not exceeding five per centum per annum, to the amount voted for in said election, and in denominations of not less than one hundred dollars and not exceeding one thousand dollars. The principal of said bonds and the interest shall be payable at the office of the Clerk and Treasurer of said city, or elsewhere as the Board of Aldermen and Board of Audit and Finance shall see fit; and said bonds shall not be valid unless signed by the Mayor of said city and countersigned by the chairman of said Board of Audit and Finance. At the option of the holder they shall be registered by the City Clerk and Treasurer, and after such registration shall be transferable only by indorsement. The coupons, from and after maturity, shall be receivable in payment of any and all taxes or other indebtedness due to the said city. The corporate authorities of said city shall annually levy a tax upon all the taxable polls and property of the citizens of said city to provide for the payment of the interest that may accrue upon said bonds, and in like manner to provide for the payment of the principal of said bonds at maturity by creating a sinking fund for that purpose.

Provision for other elections on sewerage bond issue.

SEC. 57. If the result of said election shall be against the issuing of said bonds the Board of Aldermen of said city may at any time or times thereafter in their discretion, and shall upon the petition of three hundred of the duly qualified voters of said city, at any time or times thereafter, again submit to the qualified voters of said city the question of issuing said bonds.

Assessment on abutting property for construction of sewer lines.

SEC. 58. That the said Mayor and Board of Aldermen, whenever the said city shall lay and construct public sewers or a system of public sewerage in the streets of said city, or in and along any portion thereof, may by proper ordinance provide that an equitable proportion of the cost of constructing such sewers or system of sewerage, not exceeding two-thirds, be assessed against the property abutting on both sides of said street or streets so laid with a sewerage system, in like manner as provided for the assessments and prorating of assessments for street improvements in sections 47 and 48 of this act; and the assessments when made as aforesaid shall be a lien upon the property so assessed, and the amount thereof shall be due and payable and the collection may be enforced in the same manner as provided in said sections 47 and 48 of this act, for the payment and collection of assessments made for street improvements by said city.

#### WATER-WORKS.

Power to establish, maintain, conduct and operate same.

SEC. 59. The Mayor and Board of Aldermen of said city may, by and with the consent of the Board of Audit and Finance, establish, maintain, conduct and operate a system of public water-

works, for the purpose of supplying the fire department and the citizens of said city with water, and for that purpose may acquire by purchase any established system of water-works now or hereafter operated in said city, and extend the same, or establish a new system, with all necessary pumps, engines, reservoirs and pipes appurtenant to a complete system of water-works. And in order to provide the means either for the purchase of an established plant or the building of a new system, said Board of Aldermen may in its discretion, and shall upon the petition of three hundred duly qualified electors of said city, cause an election to be held by the qualified voters to decide upon an issue of bonds or such other proposition as they may deem proper for that purpose, in a sum not to exceed two hundred thousand dollars. The said election shall be held in the same manner as herein provided for the holding of an election upon the question of issuing bonds for sewerage, and at said election, when called, voters favoring the issuing of said bonds, shall vote, upon a printed or written ballot, "Bonds for Water-Works," and those opposed to such issue shall vote, upon a printed or written ballot, "No Bonds for Water-Works." If a majority of the duly qualified voters shall vote for the issuing of such water-works bonds, then they shall be issued by the said Board of Aldermen and Board of Audit and Finance, in the same manner, for the same length of time, at the same rate of interest, and payable under the same circumstances, as provided for the bonds for sewerage, if voted. And the corporate authorities of said city shall annually levy a tax upon all the taxable polls and property of the citizens of said city to provide for the payment of interest that may accrue upon said bonds, and in like manner to provide for the payment of the principal thereof at maturity by creating a sinking fund for that purpose: *Provided, however*, that said city be and is hereby empowered to charge persons or corporations for the use of the water supplied for private purposes by said public system, at such rates as the said Board of Aldermen may fix, and all revenues so derived shall be applied, first to the expenses of operating and maintaining such public system, and the surplus, if any, shall be applied to the sinking fund created for the payment of the principal of the issue of said water-works bonds. And if at the first election upon the questions of voting bonds for water-works, the result shall be adverse to the issue of the same, then any subsequent election may be held thereon as provided in section 57 for re-election on sewerage bonds.

Question of bond issue for water-works to be submitted to voters.

Tax levy to pay interest and provide sinking fund.

#### ELECTRIC LIGHTING.

SEC. 60. The Mayor and Board of Aldermen of said city may, and with the consent of the Board of Audit and Finance estab-

Electric lighting.

Bond issue.

lish, maintain, conduct and operate a system of public electric lights or other lighting system, for the purpose of lighting the city streets and buildings and of supplying the citizens of said city with lights, and for that purpose may acquire by purchase any established electric lighting plant now or hereafter operated in said city, and extend the same, or establish a new system, with all necessary apparatus and appurtenances to a complete system of electric lights. And in order to provide the means either for the purchase of an established plant and system or the construction of a new plant and system, the said Board of Aldermen may in its discretion, and shall upon the petition of three hundred duly qualified electors of said city, cause an election to be held by the qualified voters to decide upon an issue of bonds or such other proposition as they may deem proper, for that purpose, in a sum not to exceed two hundred thousand dollars. The said election shall be held in the same manner as herein provided for the holding of an election upon the question of issuing bonds for sewerage, and at said election, when called, voters favoring the issuing of said bonds shall vote upon a printed or written ballot "Bonds for Electric Lights," and those opposed to such issue shall vote upon a written or printed ballot "No Bonds for Electric Lights." If a majority of the duly qualified voters shall vote for the issuing of such electric light bonds, then they shall be issued by the Board of Aldermen and Board of Audit and Finance, in the same manner, for the same length of time, at the same rate of interest, and payable under the same circumstances, as provided for the bonds for sewerage, if voted. And the corporate authorities of said city shall annually levy a tax upon all the taxable polls and property of the citizens of said city to provide for the payment of interest that may accrue upon said bonds, and in like manner to provide for the payment of the principal thereof at maturity by creating a sinking fund for that purpose: *Provided, however,* that said city be and is hereby empowered to charge persons or corporations for the use of lights supplied for private purposes by said public system, at such rates as the said Board of Aldermen may fix, and all revenues so derived shall be applied, first, to the expense of operating and maintaining such public system, and the surplus, if any, shall be applied to the sinking fund created for the payment of the principal of the issue of said electric light bonds. And if at the first election upon the question of voting bonds for lights, the result shall be adverse to the issue of the same, then any subsequent election may be held thereon as provided in section 57 for re-election on sewerage bonds.

Contract for lighting city.

SEC. 61. The said Mayor and Board of Aldermen, by and with the consent of the Board of Audit and Finance, may provide for



the lighting of said city by contract not to exceed a term of five years, but before entering into any such contract the said Mayor and Aldermen shall advertise for bids at least ten days in some newspaper published in said city, stating the terms and conditions of the proposed contract, and the same shall be awarded to the lowest responsible bidder. *Provided*, the said Mayor and Aldermen may reject in their discretion all proposals or bids submitted.

#### POLICE AND FIRE DEPARTMENTS.

SEC. 62. The said Board of Aldermen shall organize, equip and maintain a sufficient Police force for the preservation of order, and a fire department for the extinguishment and prevention of fires in said city. It shall have the power, and it shall be its duty, to prescribe the terms of service, age and qualifications, mental, moral and physical, of all Policemen and firemen, including the Chief and other subordinates of the Police Department, and the Chief, and other subordinates of the Fire Department, and from time to time to adopt rules and regulations for the good government of the Police and Fire Departments of said city.

Police and fire departments; organization of, etc.

SEC. 63. No person shall be eligible to be elected or appointed to any position in the Police or Fire Department, unless he shall be a qualified elector under the provisions of this act and shall stand an approved physical and mental examination. The physical examinations shall be conducted by the city physician, or by such physician of recognized standing in his profession as may be designated by the board. The mental examination shall be conducted by such person or persons as may be designated by the Board of Police and Fire Examiners hereinafter provided for, and shall be limited to an examination in reading, writing and a knowledge of the city ordinances and the duties imposed by his position. The officers below the grade of Chief of each department, and the Policemen and firemen so appointed by the Board of Aldermen, shall not be removed by the board during the term for which they may have been elected or appointed, except for cause. The said officers, Policemen and firemen shall be entitled to hold their positions during good behavior and until the expiration of their term of office, the length of which shall be prescribed by said board, but shall date from the date of their election or appointment: *Provided*, the term of service shall not be less than five years, but the members of either department may be required to serve, at the pleasure of the Board of Aldermen, either as officers or privates, and may be promoted or reduced in rank during the term of service of the person so promoted or reduced; but this provision shall not apply to the

Qualifications of members of departments, etc.

Chief of either department, whose term of office is fixed by this act at two years.

Removals from departments.

SEC. 64. The Mayor of said city, upon charges preferred by himself or other person, shall have the power, after a hearing and examination of such charges, to remove any officer below the grade of Chief, and any Policeman or fireman, of said departments, for any incompetency or misconduct, and before the hearing of such charges the same shall be served in writing upon the accused, not less than ten days before the time fixed for the hearing; and the accused may be represented at the hearing before the Mayor by counsel. The action of the Mayor shall be final, and he is hereby empowered, in his discretion, to discharge the accused. The Mayor shall report his action to the Board of Aldermen, who shall fill the vacancy caused by such removal, but said board shall not elect or re-appoint the person so discharged during the term of the Board of Aldermen serving at the time of his discharge: *Provided*, the Mayor and Chief of Police shall have power to suspend Policemen under the grade of Chief, and the Mayor and Chief of Fire Department shall have power to suspend firemen under the grade of Chief, for misconduct or incompetency, for a period of ten days; but in case of such temporary suspension, if made by the Chief of either department, he shall immediately report the same to the Mayor, who shall at the expiration of the temporary suspension hear the charges preferred, as herein provided. If the charges so preferred against either Policemen or firemen be not sustained after an examination by the Mayor, the accused shall not lose any portion of his salary; but if the charges be sustained and the Mayor shall impose a temporary suspension instead of a final discharge, the accused shall draw no portion of his salary during the period of such temporary suspension.

Vacancies, how filled.

Suspensions.

Board of examiners for police and fire departments; duties and powers.

SEC. 65. The Mayor shall appoint three citizens, qualified electors of said city, by and with the consent of a majority of the Board of Aldermen, to serve as a Board of Examiners of the qualifications and rate the standing of the Policemen and firemen of said city; any vacancy in said board shall be filled by the Mayor and Aldermen in same manner as appointed. It shall be the duty of the Mayor to nominate such persons at the first meeting to be held by the said Board of Aldermen in May following the biennial election, and the persons so named and appointed shall serve for the period of two years. No person in any manner connected with any of the departments of the city of Wilmington shall be appointed to said board. The said board shall be called "The Board of Examiners." The said board shall elect its own chairman; and the Clerk of the municipal Court shall be *ex officio* clerk of the said board. The said board shall, at least

once a year, subject all Policemen and firemen below the grade of Chief of each of said departments to an examination as to their qualifications, limiting said examination to reading, writing and a knowledge of the city ordinances and the duties imposed upon such firemen and Policemen. It shall, in making said examination, and the grade-rating hereinafter required, consider the length and character of service and the experience of the fireman or Policeman examined. The said board shall grade the respective merits and qualifications for the respective positions of the Policemen and firemen into three grades, to be designated as first, second and third grades. No member of either department shall be graded in the first grade, whatever his qualifications, unless he shall have served at least one year in his respective department, and no person shall be graded in the second grade, whatever his qualifications, unless he shall have served in his respective department at least six months, but the service need not have been continuous: *Provided, also*, the said board may for special service and as a reward of merit waive the length of service hereby required. The said board shall have the power to advance or reduce the grade of any Policeman or fireman. After each examination as herein required the said board shall make a report to the Mayor of the said city, stating the name of the persons examined, date of appointment, length of service, rank and grade, with such recommendations as to the quality and character of the persons examined, as it may deem proper to make; and said Mayor shall lay said report before the Board of Aldermen at the next meeting, and the same shall be spread upon the minutes of said board; and the Board of Aldermen may, in their discretion, by and with the consent of the Board of Audit and Finance, fix the salaries of the Policemen and firemen of said city in accordance with the grade of the members thereof, paying to the first grade a higher salary than to the second grade, and to the second grade a higher salary than to the third grade. And before any person who shall have been appointed or elected to either department by the said Board of Aldermen shall serve upon either force, he shall appear before the said Board of Examiners and pass the examination herein required. The said Board of Examiners, or the chairman thereof, shall have the power to summon the members of either force to appear before them for the examination required, and it shall be the duty of the Chief of either department, upon application of the chairman of said board, to furnish to said board a list of the members of his respective department. The members of said Board of Examiners shall be paid for their services aforesaid at a rate per diem to be fixed by the Board of Audit and Finance, for such days as they are actually engaged.

Powers and duties of policemen.

SEC. 66. The Policemen of the said city shall have the power, and it shall be their duty, to suppress all disturbance of the quiet and good order of the city and arrest all offenders against the same; to prevent, as far as possible, all injury to the city property and buildings, and the streets and sidewalks, and to report to the Mayor any repairs needed and to perform such other duties as may be required of them by the Board of Aldermen or by the Chief of Police or the Mayor; they shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the Policeman is hereby directed to report the names of such persons to the Mayor, who is directed to proceed against them as the law directs; they shall have power to enter the enclosure and house of any person without warrant when they have good reason to believe that a felony or infamous crime or violation of law has been or is about to be committed, for the apprehension of any person so offending; and, if necessary, to summon a posse to aid them, and all persons so summoned shall have like authority, and they shall have authority to make arrests outside of the corporate limits within one mile therefrom.

Power to destroy houses to prevent spread of fire.

SEC. 67. That the Mayor or the Chief of the Fire Department or any two Aldermen in case a fire has broken out and is spreading, may order and direct to be removed, blown up or pulled down, any house or houses which they may consider necessary to prevent a communication of the flames, and neither they nor any person acting under their directions, nor the said city, shall be held responsible to the owner or owners of such building for any damages they may sustain. And during the continuance of any fire the Chief of the Fire Department or any of his assistants, or the Mayor or any Alderman, if present, shall have power to command and require any person present to assist in extinguishing said fire or in destroying any building, or in removing any property on fire or in danger to some place of safety, and to appoint guards for the same. And any person failing to obey any such command shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days.

Penalty for failure to obey officer by aiding in checking fire.

Fire limits.

SEC. 68. That the Mayor and Board of Aldermen, for the purpose of guarding against the calamities of fire, may from time to time designate by ordinance such portions and parts of said city within which no buildings of wood shall be erected, and may regulate the erection of buildings within such portions and parts of said city, and the size and material thereof; and may declare any buildings erected contrary to such ordinance a common nuisance and as such it may be abated and removed by their direc-

tion at the cost of the owner thereof, which shall be a lien on the said building and the land on which said building is being erected, to be enforced in the same manner as other liens are by any law now in force or which may hereafter be enacted. And the Mayor and Board of Aldermen may cause to be inspected by an officer of said city, or by any other person appointed by the Mayor for that purpose, any building erected or in process of erection, to ascertain that the same corresponds to the requirements of such ordinance or regulation; and the Mayor may arrest and stop the erection of any building in process of erection which shall not conform to such ordinance or regulation, until the same shall be made to conform thereto.

SEC. 69. That if any person shall wilfully, wantonly or maliciously remove, obstruct, injure or destroy any of the engines, fixtures, apparatus, structures, buildings, fire alarm boxes, poles wires, hydrants, fire-plugs, hose, horses, or anything whatsoever pertaining to or used by said fire department, or of any fire company connected therewith, or shall use, tamper or interfere with the same, or shall obstruct or resist any officer or fireman in the discharge of his duties, or shall give or cause to be given any false alarm of fire by using the fire alarm boxes, or in any other manner, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned for not less than six months nor more than twelve months in the discretion of the court, for every such offence; and such person shall also forfeit and pay to the said city or company so injured, to be sued for and recovered in civil action, double the amount of the damages sustained by any injury to the property thereof.

Penalty for injuring equipment, etc., of fire department.

#### HOSPITAL.

SEC. 70. That it shall be lawful for the Mayor and Board of Aldermen of said city to provide, lease, erect, build or establish and maintain a necessary hospital and dispensary for the maintenance and medical care of all such sick or infirm persons as may from time to time become chargeable upon the said city.

#### SANITATION.

SEC. 71. The said Mayor and Aldermen shall have the power to make all proper regulations for the public health and comfort of the citizens of said town, to provide and enforce regulations for the removal of night-soil, designating and providing the place to which it may be removed, and to license and bond scavengers, who may be appointed or engaged in said work, and to regulate the charges for the work performed by them, and the said city

may in its discretion provide a system and outfit for the removal of the same, under the supervision of its employees, and, in such case, to prohibit by ordinance such work being performed by private persons, and for the service so rendered by said city to charge the owners, or persons renting and using closets, cleaned and disinfected, a reasonable sum for each service rendered.

#### POWERS OF TAXATION.

Powers of taxation.  
General subjects of.

SEC. 72. The Mayor and Board of Aldermen of said city, by and with the concurrence of the Board of Audit and Finance, shall have power annually to levy taxes for city purposes on all real and personal property, on taxable polls, on the provisions, callings, trades, occupations and other business carried on in said town, on all subjects of taxation referred to in Article V, section 3 of the Constitution of this State, and on all subjects of taxation on which authority now exists to levy taxes, by the State or counties under existing laws or any laws that may be hereafter enacted.

Dog tax.

SEC. 73. That the said Mayor and Board of Aldermen may impose upon all dogs kept in the city and upon all swine, cattle and goats, not prohibited by the Aldermen to remain in said city, a tax of not exceeding ten dollars a head, and if any person residing in said city shall have in his possession within the same any dogs and shall not return the same for taxation, or shall fail to pay the tax according to law, the said Mayor and Board of Aldermen are authorized at their option to fine the persons so failing double the tax and may at their option treat all dogs not returned for taxation and not paid for as nuisances and may order their destruction as they may direct.

Payment of taxes.

SEC. 74. The said Mayor and Board of Aldermen shall have power to make all such ordinances which to them may or shall seem expedient in reference to the payment and time of paying such taxes, the issuing license to the persons liable for the payment of the same, the terms of such licenses and the penalties for the non-payment of such taxes.

Assessment of taxes.

SEC. 75. All taxes shall be assessed in the manner prescribed by the laws of the State; and the valuation of all property within said city so liable for taxation for the purposes of said city shall be the same as may be assessed thereon for taxation for State and county purposes. That all persons liable to taxation of any kind within said city shall annually make returns of their respective lists of taxable property to the City Clerk and Treasurer of said city, or such other person or persons as may be appointed by the Mayor and Board of Aldermen to receive such tax lists, and said Clerk or person so appointed shall advertise for thirty days in two or more daily newspapers published in said city notifying

all persons to make returns of their tax lists, and shall take the said list of taxables in said city at the same time and in the same manner as prescribed by law for listing State taxes for that year. That if any person, company or corporation shall fail to render to the Clerk the list or property and other taxables required to be rendered by this charter, within the time required for listing State and county taxes, such person, company or corporation shall pay double the tax assessed on any subject for which said person is liable to be taxed; and the Clerk or the person appointed to receive the list shall be particular to examine each person on oath as to whether he has other property than that stated in his return which he may claim is not liable to taxation; and such property, except bonds of the United States and of this State, shall be entered and noted on the tax list.

SEC. 76. That all persons who are liable for a municipal poll tax and shall wilfully fail to list it within the time allowed before the list-taker or the board of equalization, shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days; and all persons who, in giving in their personal property to the list-taker, shall wilfully give in the same at a false valuation, or who shall wilfully omit therefrom any subject of taxation for which he may be liable, shall be guilty of a felony and upon conviction shall be fined one hundred dollars and be imprisoned not less than three months.

Penalty for failure to list poll or taxable property.

SEC. 77. Lists of the taxable property of testators, intestates, minors, lunatics and of property held in trust, shall be given in by the executors, administrators, guardians, or trustees, or *cestui que trust*, as the case may be; and the persons so required to list any such property shall be individually liable for the payment of the taxes assessed thereon, only to the extent, however, of the property held by him as executor, administrator, agent or trustee. Such lists shall set forth the number of the block and of the lot, or part of the lot, the name and address of the owner or owners, the taxable polls, and all other property liable to taxation of the person returning the same, and shall be sworn to by such person before some Justice or the Peace, or before the City Clerk and Treasurer, or other person appointed to receive the same, and they are severally hereby authorized to administer to all persons returning such lists the oath prescribed by law to be taken by persons giving in their tax lists under any act providing for the collection of taxes by the State. Said tax lists so returned shall be filed in the office of the Clerk and Treasurer of the city, who shall within thirty days after the expiration of the time limited for taking such tax lists, make out for the same, in a proper book kept for that purpose, an alphabetical list of the persons and

Lists of taxable property of intestates, etc., and of delinquents; how taken; forfeiture for delinquency.

owners of the property included in said list and the taxes assessed thereon, in the same manner as tax lists are made or required to be made for the collection of State taxes. That said Clerk and Treasurer shall also, within the time aforesaid, make out in manner aforesaid to the best of his knowledge, information and belief, a list of taxable polls, and of all taxable property in the city, of which the owners thereof shall have failed to return a tax list, in the manner and within the time aforesaid, and all such persons so listed by the Clerk and Treasurer shall forfeit and pay for the use of said city on all their property so listed by the Clerk and Treasurer a sum to be fixed by the Mayor and the Board of Aldermen, not exceeding twice the sum due for taxes by such delinquent, and such sum when so fixed shall be collected as is provided for the collection of other taxes due to said city. In all cases in which the owner of any real or personal property in said city is unknown to the Clerk and Treasurer, he shall on such delinquent list enter all such property, and the tax assessed on the same: *Provided*, that if any taxable polls or taxable property shall not be discovered by said Clerk and Treasurer after the expiration of the time provided for him to make a list of the same which has not been listed during the current year or for any previous year, the Clerk and Treasurer shall add the same to said list at any time thereafter, together with the penalty imposed in case of failure to list. The tax list and the taxes thereon in the hands of the said City Clerk and Treasurer, or such other person as may be authorized by the Mayor and Board of Aldermen to collect taxes due to the said city, shall have the force and effect of a judgment and execution for the taxes assessed and appearing in such tax list and the same may be collected by levy and sale of property of the party owing such taxes on giving such notice as is required by law on executions from one of the Superior Courts of the State, and the officer charged with the duty of collecting such taxes shall have all the powers now or hereafter vested by law in sheriffs or tax collectors for the collection of taxes due to the State. And the city shall have all the powers, rights and remedies, in enforcing the collection of taxes due said city, which are now possessed by or hereafter may be given to the County Commissioners for collecting State and county taxes.

Proviso as to taxable property and polls not discovered by clerk before making out of list.

Sales for taxes.

SEC. 78. No sale of real estate in said city, for the payment of taxes assessed against such real estate as appearing on the tax lists aforesaid, shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall



show that the taxes so appearing as assessed on such property, and all the penalties and costs accruing on such assessment, and the proceedings for the sale were paid at the time of the sale of the same.

SEC. 79. The Mayor and Board of Aldermen of said city are hereby authorized and empowered to pass laws for the sale of the real estate in said city for taxes, whether such real estate belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot, or subdivision of a lot, or so much and such part thereof as may be necessary to pay the taxes due. If at any sale of land no person will bid enough for the same to pay the taxes, penalties and expenses for the property offered, the said city of Wilmington, by the Mayor or any other agent, may purchase the same; and all such real estate so purchased may be redeemed as estate sold for taxes by the State and county is allowed to be redeemed under the laws of this State for the collection of State and county taxes now existing, or as they may hereafter be amended.

Relating to laws  
regulating sales  
for taxes.

SEC. 80. If the real estate sold as aforesaid shall be bid off by a purchaser other than the city, and shall not be redeemed as provided by law, the City Clerk and Treasurer shall, at the expiration of the time when the same may be redeemed, convey the same in fee to the said purchaser, his heirs or assigns, and all deeds for the land sold for taxes executed by the said City Clerk and Treasurer shall have the same force and effect and be construed in the same manner and be presumptive and conclusive evidence of the recitals therein, as is provided for deeds made by sheriffs for lands sold for taxes by them by any law now in force or which may hereafter be enacted. If the real estate sold as aforesaid shall be bid off by the city, or if bid off by any person other than the city, and such person shall fail to pay for the same within thirty days after he shall be entitled to receive a deed therefor, then it shall be lawful, and the city Mayor and Board of Aldermen are authorized, empowered and directed to institute suit in the Superior Court of New Hanover County to enforce the lien for the taxes due said city by an action in the Superior Court of New Hanover County in the nature of a foreclosure of a mortgage for the sale of said real estate and the costs of the action. In such action all persons having an interest in such lands, vested or contingent, all mortgagees or lienors, and all minors, lunatics and persons *non compos mentis*, or the guardians of the same, may be made parties defendant, and the guardians or trustees of minors, lunatics or persons *non compos mentis* may defend such actions, or the Court may, under its usual process, appoint guardians *ad litem* to appear and defend the same, and the sale of such property under such foreclosure proceedings by said court shall

Relating to tax  
deeds, etc.

operate to pass to the purchaser an absolute fee thereto: *Provided*, that any person having an undivided interest in such land who may be made a party in such suit may pay the said city or into the Superior Court his proportionate part of the tax as his interest represents to the whole, and upon such payment the court shall decree judgment against the other defendants to foreclose the undivided interest which they may own therein.

Relating to suits  
for delinquent  
taxes.

SEC. 81. That the said city may bring its action for the enforcement and collection of all claims in favor of said city for delinquent taxes against any person or property whose names appear delinquent on the tax books of said city in the Superior Court of New Hanover County, and the proceedings in said court shall be assimilated as near as may be to the action for foreclosure of mortgages; the amount due the plaintiff constituting a tax lien on the property, shall be ascertained by a judgment or decree declaring the lien and the amount of the plaintiff's recovery and a day shall be fixed and stated in the judgment for the redemption by the defendant or defendants, which day shall not be more than thirty days from the rendition of the judgment, on which day the defendant or defendants shall be forever barred and foreclosed of all right, title, equity or interest in the property, and the property shall be directed to be sold under the powers and decrees of the court, according to the course and practice of the court in mortgage foreclosures. That no undertaking shall be required of the plaintiff before issue of summons, and no fees shall be paid for the service of papers, but the same shall be taxed in the bill of costs and collected out of the sale of property.

This section, as well as the next preceding section, shall apply to all suits now pending in the Superior Court of the Superior Court of the county of New Hanover which have been instituted by said city against any person or persons whatsoever for the collection and enforcement of tax liens. The county of New Hanover may join in such action with said city, or be made a party defendant therein, so that the entire amount of tax against the property described in the complaint may be recovered in one action; and if in such cases the net recovery shall be less than the judgment, then the amount shall be distributed *pro rata* to the State, county and said city according to their respective interests therein. And at said sale the State, county or city may purchase jointly or severally, taking a deed from the commissioner of said court, and they may so hold, sell and convey the property so purchased.

Relating to pos-  
session of prop-  
erty sold for  
taxes.

SEC. 82. In any action for the foreclosure of tax liens and the delivery of the deed to the purchaser under the provisions of this act, said purchaser shall be immediately let into the possession of the premises or property under the proper process of the

said court, and the court shall issue its writ of possession and of assistance, commanding the sheriff to put the purchaser into possession, and to evict any and all persons holding or claiming the property, and any person who shall directly or indirectly seek to obstruct such process, or to interfere with the peaceful and quiet possession of the purchaser, or of his agents, servants or assignees shall be guilty of contempt of court. That it shall be unlawful for the Board of Aldermen of said city, or any officer thereof, to release, discharge, remit or commute any portion of the taxes assessed and levied against any person or property within the corporate limits, and any taxes so discharged, released, remitted or commuted may be recovered by civil action, or from the members of the said Board of Aldermen or from any official of said city, as the case may be, at the suit of any citizen, and when collected shall be paid to the City Clerk and Treasurer.

#### BOARD OF AUDIT AND FINANCE.

SEC. 83. That in the month of March, A. D. one thousand nine hundred and one, and biennially thereafter, the Governor of this State shall appoint five discreet and proper persons, among the electors of Wilmington, one from each of the five wards of said city, who shall constitute and be styled "The Board of Audit and Finance of the City of Wilmington," and the persons so appointed shall continue in office for two years, and until their successors are duly appointed and qualified. No person holding an office or appointment under the Board of Aldermen of said city, or who may be a contractor or any agent or employee of a contractor for any work, materials, supplies, or other things whatever for the use of said city, shall be eligible as a member of said Board of Audit and Finance, or qualified to act as one of its members. Any vacancy occurring among the members of said board during their term of office shall be filled by the remaining members.

Board of Audit and Finance; appointment of members, term of office, eligibility, etc.

SEC. 84. That said Board of Audit and Finance shall from their body, elect a chairman, who, with the clerk hereinafter provided for, shall sign and certify all orders of the board; and in case such chairman shall be absent at any meetings of the board, a temporary chairman shall be chosen, who, during such meeting, shall exercise the powers of the regular chairman. The chairman of said Board of Audit and Finance shall have power to administer oaths, and issue subpoenas for witnesses to appear before the board, who shall be required to appear and testify under like pains and penalties as if summoned to any Superior Court. Before entering on their duties, the members of said board shall, before some Justice of the Peace, take and subscribe the oath of office, prescribed in section four of Article VI, of the Constitution, and cause the same to be filed in the office of the Clerk and Treasurer of said city.

Officers of board, duties and powers.

Clerk of board,  
duties and  
powers.

SEC. 85. The Board of Audit and Finance shall appoint a clerk, prescribe his duties, and require him to give bond, with good and sufficient surety, payable to the city of Wilmington, in such sum as said board may determine, and conditioned for the faithful performance of the duties of his office. The said clerk shall hold office at the pleasure of said board, shall have power to administer oaths and shall receive such compensation as said board may establish.

Relative to meet-  
ings of board.

SEC. 86. The said Board of Audit and Finance shall hold regular meetings on the first and third Tuesdays of each month, in some room in the City Hall, at such hour as the board may determine, and the said meetings shall be opened to the public, and the hour of holding the regular semi-monthly meetings shall not be changed, unless ten days' notice of such change shall be given by publication at least three times in some daily newspaper published in said city. The chairman of said board may, and upon the written request of any three members shall, call special meetings of said board, of which due notice shall be given by publication in at least one issue of a daily newspaper published in said city one day in advance. The clerk shall, in proper books, keep a minute record of the proceedings of said meetings, recording the names of the members present, the character and amount of all claims and demands against the city and the names of the claimants. All such claims and demands shall be made out in distinct items, verified by the affidavit of the claimant or his agent, stating that the claim is just and due; that the articles were furnished or services rendered, as the case may be, and that no part of the same has been satisfied. Notwithstanding such affidavit, the said board may require further proof as to the validity of any claim; and any person who shall knowingly or wilfully offer, or cause to be offered for audit by said board, any false or fraudulent claim or demand against the city of Wilmington, shall be deemed guilty of a misdemeanor, and any person who shall wilfully swear to any false statement before said board shall be guilty of perjury.

Board to audit  
claims against  
city.

SEC. 87. It shall be the duty of said Board of Audit and Finance to audit and pass upon the validity of all claims and demands against the city of Wilmington, and no claim or demand against said city shall be paid by the Treasurer of said city, or by any other person out of any funds belonging to said city, until the same has been duly audited and approved by said board, and a warrant, signed by the chairman and clerk, given for the payment of the same. All claims, demands and accounts presented to said board in any one year, beginning at its first regular meeting in April, shall be numbered from one upwards, in the order in which they are presented, and at the time of presentation, the

names of the persons in whose favor they are made out, and by whom presented, shall be carefully entered upon the minutes of the board; and no such account shall be withdrawn from the custody of the board or its clerk, except to be used as evidence in a judicial proceeding, and after being so used it shall be promptly returned. Any member of said board who shall knowingly vote to allow any false, fraudulent or untrue claim or demand against said city, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than five hundred dollars, and by imprisonment for not less than one year.

SEC. 88. No ordinance of the Mayor and Board of Aldermen of said city levying any tax whatever, shall be valid or of any effect, unless an estimate and rate of assessment of the taxes so to be levied, shall be first submitted to said Board of Audit and Finance and approved by at least three of its members. The estimates aforesaid shall specify the amount required during the next coming fiscal year to pay interest on the debt of said city, and to provide a sinking fund for its ultimate payment, and the amount which will be required, as nearly as can be ascertained, to meet the necessary expenditures for the several departments of the city government, and the amounts to be expended under said estimates shall be apportioned by said Board of Audit and Finance, according to the specifications accompanying the same, among the several departments of the city, of which apportionment a copy shall be delivered to the Clerk and Treasurer of said city. All warrants which may be drawn on account of any duly audited claim or demand, shall specify the particular fund from which the same is to be paid, and no such warrant shall be paid from any other fund than the one designated therein; and if any such warrant shall be paid, in violation of this provision, or if any claim against said city shall be paid or be received on account of any indebtedness to said city, before a proper warrant for the same has been issued, the Treasurer of said city, or any other person paying the same out of any funds belonging to said city, shall be liable for the amount so paid, and shall be deemed guilty of a misdemeanor.

Rate of assessment of taxes to be approved by board.

SEC. 89. The said Board of Audit and Finance shall, once in every three months, cause to be posted at the court-house, and three other public places in said city a statement of all claims and demands against said city, audited by said board, giving the respective amounts claimed and allowed, the character of said claim, and the name of the claimant.

Quarterly statement of claims against city to be posted by board.

SEC. 90. It shall be the duty of said Board of Audit and Finance, and it shall have the exclusive power to fix the salaries or other compensation of all officers and employees of said city, and to pass upon and approve the official bonds of all such officers; and no contract, even for the necessary expenses of said

Relative to fixing salaries and approval of bonds of officers and employees and approval of contracts of city.

city, nor any bond, note or other obligation in behalf of said city, shall be valid or of any effect, unless the same be approved by said board, and such approval be endorsed thereon. Any officer of said city who is required to give a bond for the faithful performance of his duties, who shall enter upon the discharge of the duties of his office, or in any way intermeddle therewith, before the official bond shall be duly approved as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five hundred dollars, and imprisoned not less than six months, and shall further forfeit his office.

Relative to auditing and settling accounts of city treasurer and others holding funds of city.

SEC. 91. The said Board of Audit and Finance shall, at such times during each year as may be deemed judicious, and at the end of each fiscal year, audit and cause to be settled the accounts of the City Treasurer, and of all other persons holding any funds belonging to said city; and on all such settlements, all interest, benefit, advantage received, or to be received, directly or indirectly, from the use, disposal or deposit of any funds belonging to said city, by any officer or agent of the city, shall be duly accounted for. Such officers or agents upon making any such settlements shall be required to make and file with said board, an affidavit, declaring as may be, whether he has or has not received, or is not to receive directly or indirectly any interest, benefit or advantage from the use, deposit or disposal of said funds, and shall also be examined on the matters referred to. In the event that any officer of said city, upon the investigation of his accounts as aforesaid, shall be found to be in default, said Board of Audit and Finance is hereby authorized and empowered to declare his office vacant.

Relative to contracts by city.

Annual advertisement for bids.

SEC. 92. The Mayor and Board of Aldermen of the said city shall, annually, at least one month before the time of the annual assessment of taxes by said board, and at such other times as may be necessary, advertise for proposals for all labor, and for all material required by said city; for lighting and repairing the lamps of the city; for all labor and materials for the repair or construction of all buildings belonging to the city; for all printing or advertising required by the city; for all supplies of any kind required by the city, or any department thereof; and shall contract for the same with the lowest bidder, who may be considered fit and competent; but no contract requiring the expenditure of a sum greater than one hundred dollars shall be binding on the city without such advertisement; and no contract shall be binding on the city till approved by the Board of Audit and Finance. All contractors shall be required to enter into bonds secured to the satisfaction of the said board for the faithful performance of their several contracts: *Provided*, that the said Mayor and Board of Aldermen, when in their discretion the pub-

Contracts to be approved by board of audit and finance.

lie economy will be best subserved, may carry on under the supervision of its officials and employees the work of street, sidewalk or other public improvements, without letting the same by contract, and may purchase material and employ labor, by and with the concurrence of said Board of Audit and Finance, without the advertisement for proposals required by this section.

SEC. 93. The chairman of the Board of Audit and Finance shall be "Commissioner of the sinking fund of the city of Wilmington," and shall have all the powers and perform all the duties incident to that office by any and all acts of the General Assembly authorizing or requiring the appointment of such an officer. He shall enter into bond, with good and sufficient surety, to be approved by the Board of Aldermen of said city, in such sum as said Board of Aldermen shall fix and payable to the city of Wilmington, and conditioned for the faithful performance of all the duties incident to said office, or which may be hereafter imposed on such officer. The chairman of said board, as Commissioner of the sinking fund of the city of Wilmington, shall, in the month of January and July, of each year, cause to be published in one or more of the newspapers published in said city a statement showing the true condition of said sinking fund, giving the amount and character of the investments on the same, and the place of deposit of the securities belonging to it.

Commissioner of the sinking fund of the city; duties and powers.

SEC. 94. The Treasurer of the said city, upon a proper warrant drawn on him, as is hereinbefore provided, shall pay over to the said Commissioner of the sinking fund the amounts which may from time to time be collected from taxes assessed and levied for the sinking fund of said city, and also all sums which may have been assessed and collected for any other department of the city government, and which may be remaining in his hands unexpended and unappropriated at the end of any fiscal year. The sums of money which may be paid as aforesaid to the Commissioner of the Sinking Fund, shall be invested and managed as required by law; and in making investments of the same, and of all sums accruing from the securities in which the same may be invested, preference shall be given to such of the bonds of said city which will yield the largest income on the amount invested; all of such bonds of the city of Wilmington which may be purchased for the purpose aforesaid and all the coupons thereto, shall be immediately and indelibly stamped with the words, "The sinking fund of the city of Wilmington," and the number, amount and date of issue of every such bond shall be recorded by said Commissioner in a proper book kept by said Board of Audit and Finance for that purpose; and a duly certified copy of such record shall from time to time, as additional investments for said fund shall be made, be furnished by said Commissioner to the Board of Aldermen of said city, who shall cause the same to be

Investment of sinking fund.

filed by the Clerk and Treasurer of said city, and recorded in the proper book in his office. All bonds as investment of any fund belonging to said sinking fund, and all interest accruing thereon, shall be held exclusively for the use and as part of said sinking fund, and shall not be disposed of or transferred, or in any way used for any other purpose whatever. The chairman of said Board of Audit and Finance, as compensation for his services as Commissioner of the Sinking Fund of the city of Wilmington, shall be entitled to a salary of four hundred dollars per annum; and the Treasurer of said city, upon the proper warrant as aforesaid, signed by the chairman and clerk of said Board of Audit and Finance, shall pay the necessary expenses of said board, the salary of their clerk, and the salary as aforesaid of its chairman.

Treasurer's  
monthly state-  
ment of disburse-  
ments.

SEC. 95. The Treasurer of the city of Wilmington shall, at the end of every month, cause to be posted at the City Hall in said city, a statement duly verified by his oath, in which shall be set forth the names of all persons to whom he has paid any amount during that month, the amount so paid to each person, the particular fund from which such payment has been made, and the whole amount of money belonging to the city then remaining in his hands.

#### MISCELLANEOUS.

Power to borrow  
money for neces-  
sary expenses of  
city.

SEC. 96. The Mayor and Board of Aldermen shall have power, by and with the concurrence of the Board of Audit and Finance, to borrow money for the necessary and current expenses of said city, issue notes for the same in such form as they may prescribe, and to provide for the payment of the money so borrowed out of the general funds of the said city.

Relative to pub-  
lic park.

SEC. 97. The Board of Aldermen of said city are empowered, the Board of Audit and Finance concurring, to purchase within or without the corporate limits of said city such a tract of land as the said board may deem suitable for a public park; and when the deed conveying title to the land so purchased shall be executed and registered, the jurisdiction of said city shall extend to and over the said tract of land in all respects as fully as were the same a part of the corporate territory.

Weighing of live  
cattle, etc., and  
inspection of  
food stuffs.

SEC. 98. The Mayor and Board of Aldermen shall have power and authority to cause live beef cattle and other live animals carried to said city for sale to be weighed before the same are sold in markets, and to provide for the inspection of all articles of food and the condemnation of the same, when unwholesome, and to prescribe fines and penalties for the violation of any ordinance which they may ordain in respect of such inspection.

SEC. 99. No Mayor, Aldermen, city official or member of the



Board of Audit and Finance shall become, directly or indirectly, a contractor for work to be done for said city, or be interested in the sale to said city of any articles or property required for its use, and any person herein offending shall be guilty of a misdemeanor: and any Mayor or Alderman or city official or member or clerk of the said Board of Audit and Finance, who shall refuse to deliver over his office to his successor, when duly elected or appointed and qualified, shall forfeit and pay the sum of one thousand dollars, one-half for the use of the said city and one-half for the use of the persons suing therefor, and moreover, shall be deemed guilty of a misdemeanor.

City officials forbidden to contract for public works.

Penalty.

Penalty for refusal of city official to turn over office to duly elected or appointed successor.

SEC. 100. That the Mayor and Board of Aldermen shall provide a common seal for the said corporation—the city of Wilmington—and they shall have power to alter and change the same at pleasure: *Provided*, that the seal now used as the common seal of said corporation shall be the common seal of said corporation until the same shall be altered or changed by said Mayor and Board of Aldermen.

Seal of city.

SEC. 101. That the said Board of Aldermen are hereby authorized, empowered and required to fix and establish by proper ordinance such rules and regulations as to them shall appear necessary to regulate the weighing and measuring of all such articles as are brought to the market of said city, and vended therein by weights and measures agreeably to the standard of weights and measures established by Congress, and to enforce such rules, regulations and ordinances by fines on the offender or offenders violating the same.

Weights and measures.

SEC. 102. That the said Mayor and Board of Aldermen are authorized and required to ascertain, fix and establish the rules and rates of wharfage to be taken by any persons having the possession of any wharf in said city, for any vessel or vessels, boat or boats lying at the same or for the landing of or rolling over any goods, wares or merchandise, or produce of any kind whatever, and to establish the rates for wharfage and storage of all kinds of merchandise in said city and prescribe rules and regulations therefor, and such rates when so established and published shall be the rates which shall be taken or demanded by any person in said city for wharfage as aforesaid.

Relative to wharfage and storage.

SEC. 103. The said Mayor and Aldermen shall have power to pass all laws and ordinances necessary to carry into effect the intent and meaning of this act not in conflict with the Constitution and laws of this State, and to enforce such ordinances by fine and imprisonment of persons or corporations violating the same.

Power of mayor and aldermen to pass and enforce necessary laws and ordinances.

## PRIMARY LAW.

## Primary law.

SEC. 104. That whenever the executive committee of any political party of citizens in the city of Wilmington decide to take by primary election the sense of the members of the said party as to the proper person or persons to be presented on behalf of that party to the voters of the city at an election to be held in the city, under the laws of this State, for the election of Aldermen in the several wards of the city, and as to the proper persons to be presented to the Board of Aldermen as the candidates of that party for the offices of Mayor and for the selection of the members of the city executive committee of such party, the said committee shall file a notice of the primary, with such rules for its conduct as it may adopt, not inconsistent with this act, with the City Clerk and Treasurer of said city, at least ten days before the time designated for the holding of said primary. Such notice and rules shall be signed by the chairman or acting chairman and attested by the secretary of said executive committee, and by their certified oath to true and correct copies of the original adopted by a majority of said committee. Said notice shall state the places where the voters belonging to that party are requested to cast their votes for the candidates as herein stated, and the day on which such primary election is to be held, not less than ten days before the city election, and the hours within which it is to be held and the names of the inspectors appointed to hold such primary election and receive the votes that may be cast thereat and make report and return thereof, and the time when such return and report shall be made to the committee directing such primary election to be held; and, also, the date at which a second primary shall be held, as hereinafter provided, in cases where no one voted for shall have received a majority vote of those cast at the first primary. On the filing of the said notice, and, if the said committee shall have adopted rules for the conduct of said primary, upon the filing of said rules, as provided, with City Clerk and Treasurer, the said officers shall immediately cause the same to be copied in a book to be kept and preserved in his office for that purpose, and the said notice and rules to be published in three issues each of at least two or more in his discretion, of the daily newspapers published in said city, under his certificate that the same were filed in his office and the primary called pursuant thereto.

Term "political party" defined.

SEC. 105. The term political party referred to in the preceding section shall be construed to mean any political organization, which may have cast for its candidates at the previous municipal election of said city as many as five hundred votes, or any association of duly qualified electors, not less than three hundred, who shall file their petition with the Clerk and Treasurer, setting

forth that they are associated together and organized under an adopted political name, which shall be stated, and intend to present candidates for the several offices at the next approaching election for Aldermen.

SEC. 106. That no person can vote or take part in the proceedings of any primary election who is not by the laws of the State a lawful elector at the time such primary election is held.

Qualifications of voters.

SEC. 107. That the executive committee appointing the inspectors to hold such primary election may declare the terms and conditions on which legal electors offering to vote at such election shall be regarded and taken as proper members of the party at whose instance or in whose interest such primary election has been called or may be held, and therefore entitled to vote at such election as a member of that party, and to provide rules and regulations not inconsistent with this act, for the conduct of such primary. And upon the filing and publication of said rules and regulations as hereinbefore provided, any person who shall knowingly and wilfully violate or attempt to violate the same shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court trying the same: *Provided*, that the rule or regulation so violated or attempted to be violated be not inconsistent with the provisions of this act or the law of the State. And the record of the said rules and regulations in the office of the City Clerk and Treasurer shall be received in any court of this State as the evidence of the primary rules and regulations adopted by said party.

Powers of executive committee as to conduct of primary.

SEC. 108. That any recognized member of the party in whose interest such election is held may challenge the right of any person offering to vote at such election and the inspectors there authorized to hold, and holding, such election shall determine on the evidence there furnished, whether the person so offering is entitled to vote at such election, and shall receive or reject such votes so offered as to them the evidence for or against the right of the persons so offering to vote shall reasonably warrant.

Challenges of voters.

SEC. 109. That the polls shall be open for such primary elections from seven a. m. to seven p. m., and all votes shall be by ballot. The report of the committee so directing such primary election by the officers holding the same, shall be in writing, with which the original ballots shall be returned and the poll list of the voters made at the time of the voting and the reasons on which any challenged vote was received or rejected. Said committee shall carefully examine the returns and reports so made and thereupon decide who are the persons that have been chosen by the majority vote cast in the primary election, and as candidates of the party for the office of Aldermen at the approaching election; and such of the executive offices of the city to be voted for by the Aldermen then to be elected as are mentioned in sec-

Primary election, how held.

tion. The majority vote in a ward shall determine the result in that ward as to the persons to be the candidates of the party in that ward for Aldermen, and the committeemen for the ward to serve on the party's city executive committee. The majority of the aggregate vote cast in all the wards shall determine who shall be the party candidates for Mayor and such other of the officials as are mentioned in section. The said committee shall, without delay, publish in at least one issue each of two daily newspapers published in said city, the tabulated statement of the result of the primary and declare who shall have been nominated and for what office, and also for what offices by reason of no person having received a majority of the votes cast there has been a failure to nominate. Thereupon, the second primary shall be held, as may be necessary because of the failure to nominate, at the time designated in the first notice, and by the same inspectors appointed to hold the first primary, no other than the first notice being necessary; and at such primary only the two persons who shall have been voted for and received the highest and next highest vote in the first primary for candidate for a particular office shall be voted for in the second primary for that office; unless either of those shall publicly withdraw by letter addressed to the said committee, in which event the third highest shall be then substituted for the person so withdrawing, or the fourth highest, and so on, if the person voted for in the first and entitled to be voted for in the second primary shall in said manner withdraw, and the vote shall be canvassed and the result declared in the same manner as herein provided for the first primary.

Primary elections regulated by city election law.

SEC. 110. That except as herein provided all elections at primary elections under this act shall be regulated by the election law of said city in force at the time such primary election is held as nearly as the same can be done.

Unlawful voting, inducing the same, or preventing lawful voting, penalty.

SEC. 111. That if any person who is not entitled to vote under this act shall vote at any primary election held hereunder, or vote more than once, or personate another person, or in any name other than his own legal name, or in any manner disturb the orderly proceedings of any such election, or intimidate, or in any manner attempt to intimidate, or to deter from voting, or bribe, or attempt to bribe, any lawful voter, or impose, or attempt to impose on any lawful voter, a ticket or ballot other than it appears on its face to be, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars, or be sentenced to hard labor upon the streets of the city for not more than three months, one or both, at the discretion of the courts trying the case.

Official oath of inspector, penalty for violation.

SEC. 112. That the inspectors who may hold such primary elections under this act, and return the votes, proceedings and actions thereof, herein provided, shall before assuming the duties

make oath be ore some officer authorized to administer an oath that they will honestly, faithfully and to the best of their ability, do and perform all the duties of their respective offices, and any wilfull violation of said oath or of any oath taken under the provisions of this act, shall be held to be perjury, and shall be punished as provided by the laws of the State for the crime of perjury. The Chief of Police and the Sheriff of New Hanover County are required that good order is preserved at such election, and may arrest and present for commitment to the nearest officer clothed with the power of Justice of the Peace, all persons who may be guilty of any violation of the provisions of this act.

Police regulations  
for election.

SEC. 113. That the inspectors holding such primary election under the provisions of this act may of their own motion, or in case of the challenge of any person offering to vote, if they deem there is any doubt of the propriety under the provisions of this act of the vote so offered, require of the person so offering to vote his oath to the fact which authorized the vote, and if the person so offering to vote declines to make the oath so demanded, his vote shall be rejected.

Oath of chal-  
lenged voters.

SEC. 114. That the costs and expenses of holding such primary election shall be borne by the city. The compensation of each of the inspectors shall be three dollars a day, and all other charges and expenses shall be reasonable.

SEC. 115. That there shall be three inspectors of election appointed for each election precinct at such primary election, and in making the appointment of inspectors the executive committee shall, so far as possible, select qualified voters from a list of names agreed upon by a majority of the candidates before the primary election. *Provided*, such agreed list is filed with the committee on such day as may be designated by the committee.

Inspectors of  
election.

SEC. 116. That the executive committee of the city, when they are petitioned by one hundred qualified electors of the same political party the committee belongs to, shall call and cause to be held a primary election, as provided for in this act, and should the committee refuse to call or hold such primary election as petitioned for, they shall be guilty of a misdemeanor, and upon conviction be punished by imprisonment in the county jail not less than thirty days or more than ninety days.

Primary election,  
calling of

#### STATUTES REPEALED.

SEC. 117. That the following acts, relating to the said city, to-wit: "An act for erecting the village called Newton, in New Hanover County, into a town and township, by the name of Wilmington, and regulating and ascertaining the bounds thereof," contained in Swann's Collection Public Acts, chapter 4, at page 99; "An act for the further and better regulating of the town

Certain Statutes  
relating to char-  
ter of City of  
Wilmington,  
repealed.

called Wilmington, in New Hanover County, and to establish a church of the Parish of St. James, to be built in the said town," contained in Swann's Collection of Public Laws, chapter 4, at page 113; "An act for the better regulating of the town of Wilmington and confirming and establishing the late survey with the plan annexed," contained in Swann's Collection of Public Laws, chapter 10, at page 204; "An act for the regulation of the town of Wilmington," ratified in open Assembly, the 25th day of October, A. D. 1756; "An act to amend an act, entitled 'An act for the regulation of the town of Wilmington,'" passed by the General Assembly, A. D. 1784, and contained in chapter 48, page 132, Public Laws of that year; "An additional act to amend the several acts for the regulation of the town of Wilmington, and to regulate and restrain the conduct of slaves and others in the said town, and in the towns of Washington, Edenton and Fayetteville," ratified by the General Assembly the 29th day of December, A. D. 1785, so far as it relates to the said city of Wilmington; "An act (to empower the wardens of the poor of the county of Franklin), and for amending the Wilmington town law," ratified by the General Assembly, the 22d day of December, A. D. 1789; "An act to repeal the 5th and 6th sections of an act passed at Hillsboro, in the year 1784, entitled 'An act to amend an act, entitled An act for the regulation of the town of Wilmington,'" ratified in General Assembly the 13th day of December, A. D. 1790; "An act to ratify and confirm an act, entitled 'An act for the regulation of the town of Wilmington,' also, to revive an act, entitled 'An act for the regulation of the town of Wilmington,'" passed by the General Assembly, A. D. 1777, and contained in chapter 45, at page 247, the Public Laws of that year; section 4 of "An act to incorporate a fire company in the towns of Wilmington and Edenton," ratified in General Assembly the 19th day of January, A. D. 1792; "An act for the better regulation of the town of Wilmington," ratified in General Assembly the 31st day of December, A. D. 1792; "An act for the better regulation of the town of Wilmington," ratified in General Assembly the 7th day of December, A.D. 1794; "An act for the better regulation of the town of Wilmington," ratified in General Assembly the 8th day of December, A.D. 1795; "An act for the purposes therein mentioned relative to the town of Wilmington," ratified in General Assembly the 24th day of December, A. D. 1798; "An act for regulating ordinaries and retailers of spirituous liquors by the small measure and for appointing a standard keeper in the towns of New Bern and Wilmington, and to erect a public school in the county of New Hanover," ratified in General Assembly the 20th day of December, A. D., 1800; "An act to provide for the better collection of the town taxes of the town of Wilmington," ratified in General As-

sembly the 19th day of December, A. D. 1804; "An act for the further regulation of the town of New Bern and Wilmington," ratified in General Assembly the 20th day of December, A. D. 1806, so far as it relates to the said city of Wilmington; section 2 of "An act to appoint Commissioners for the town of Sarecta, and to enlarge the authority of the Commissioners of the town of Wilmington," ratified in General Assembly the 18th day of December, A. D. 1807; "An act for the better regulation of the town of Wilmington and to build a jail in the county of New Hanover," ratified in General Assembly the 20th day of December, A. D. 1811; "An act for the better regulation of sailor boarding-houses in the town of Wilmington, and for other purposes," ratified in General Assembly the 23d day of December, A. D. 1817; "An act to authorize and empower the Commissioners of the several towns of Fayetteville, New Bern, Wilmington and Tarboro, to organize and keep up fire engine companies," ratified in General Assembly the 7th day of December, A. D. 1820; "An act for the further regulation of the town of Wilmington," ratified in General Assembly the 29th day of December, A. D. 1821; "An act to authorize the Commissioners of Navigation of the port of Wilmington, to regulate the quarantine in said port," ratified in General Assembly the 8th day of January, A. D. 1829; "An act requiring the Sheriff of the county of New Hanover to give bond of increased amount for the collection of the tax levied for the use of the town of Wilmington and for other purposes," ratified in General Assembly the 8th day of January, A. D. 1835; "An act to amend the inspection laws relating to the town of Wilmington," ratified in General Assembly the 7th day of January, A. D. 1839; "An act to extend the limits of the town of Wilmington and for other purposes," ratified in General Assembly the 29th day of January, A. D. 1849; "An act to amend an act passed in the year 1848-49, entitled 'An act to extend the limits of the town of Wilmington,'" ratified in General Assembly the 8th day of January, A. D. 1851; "An act to empower the Commissioners of the town of Wilmington to establish streets in the said town and for other purposes," ratified in General Assembly the 16th day of January, A. D. 1855; "An act supplemental to an act passed by the General Assembly of the State of North Carolina at the session of 1850-51, entitled 'An act to enlarge the powers of the Commissioners of the town of Wilmington,'" ratified in General Assembly the 16th day of February, A. D. 1855; "An act to repeal the eleventh section of the act passed in 1854-55, entitled 'An act to empower the Commissioners of the town of Wilmington to establish streets in said town and for other purposes,'" ratified in General Assembly the 5th day of December, A. D. 1856; "An act concerning the town of Wilmington," ratified in General Assembly the 8th day of February, A. D. 1859; "An act concern-

ing the town of Wilmington," ratified in General Assembly the 20th day of February, A. D. 1861; "An act to enlarge the power of the Commissioners of the town of Wilmington," ratified in General Assembly the 26th day of May, A. D. 1864; "An act to incorporate the inhabitants of the town of Wilmington," ratified in General Assembly the 1st day of February, A. D. 1866; "An act to amend the charter of the city of Wilmington," ratified in General Assembly the 18th day of December, A. D. 1866; "An act concerning the city of Wilmington," ratified in General Assembly the 20th day of December, A. D. 1870; "An act to amend the charter of the city of Wilmington," ratified in General Assembly the 3d day of February, A. D. 1875; "An act to establish a Board of Audit and Finance for the city of Wilmington," ratified in General Assembly the 28th day of February, A. D. 1877; "An act to organize the government for the city of Wilmington," ratified in General Assembly the 6th day of March, A. D. 1877; "An act requiring beef cattle carried to the town of Wilmington to be weighed," ratified in General Assembly the 6th day of March, A. D. 1877; "An act for the better protection of farmers and fishermen," ratified in General Assembly the 5th day of March, A. D. 1881; "An act supplemental to an act, entitled 'An act to provide for the better protection of farmers and fishermen,' " ratified in General Assembly the 7th day of March, A. D. 1881; "An act to amend chapter 143 of the Public Laws of 1876 and of 1877," ratified in General Assembly the 9th day of February, A. D. 1883; "An act to amend section 5, chapter 192, of the Laws of 1876 and 1877," ratified in the General Assembly the 9th day of March, A. D. 1883; "An act to amend chapter 191, Laws of 1881. and an act supplemental thereto," ratified in General Assembly the 9th day of March, A. D. 1883; "An act to amend chapter 308, of the Laws of 1883," ratified in the General Assembly the 26th day of February, A. D. 1885; "An act to change the manner of electing a Mayor of the city of Wilmington," ratified in the General Assembly the 20th day of February, 1891; "An act to enable the city of Wilmington to purchase grounds for a public park without the corporate limits of said city," ratified in General Assembly the 21st day of January, 1891; "An act to authorize the city of Wilmington to establish sewers and for other purposes," ratified in General Assembly the 6th day of March, A. D. 1891; "An act to create the office of Chief of Fire Department of the city of Wilmington distinct from that of Chief of Police," ratified in General Assembly the 7th day of March, A. D. 1891; "An act to amend the charter of the city of Wilmington," ratified in General Assembly the 9th day of March, A. D. 1895; "An act to provide for the collection of arrears of taxes in the city of Wilmington, in the county of New Hanover, and State of North



Carolina," ratified in General Assembly the 9th day of March, 1895; "An act to credit or allow active firemen belonging to regular organized fire companies of the city of Wilmington, N. C., the amount of their city poll tax," ratified in General Assembly the 19th day of February, 1897; "An act to repeal chapter 182 of the Public Laws of 1895," ratified in General Assembly the 19th day of March, 1897; "An act to amend the charter of the city of Wilmington," ratified in General Assembly the 5th day of March, A. D. 1897; "An act to amend the charter of the city of Wilmington," ratified in General Assembly the 4th day of March, 1899; and all other acts or parts of acts, not herein enumerated, which are in conflict with the provisions of this act, and the aforesaid acts herein enumerated, be and the same are hereby repealed: *Provided*, that no offence committed and no penalties, fines or ordinances, repealed by this act, and before the time when such repeal shall take effect, shall be effected by this repeal, except that when any punishment, penalty or fine shall have been mitigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after the repeal: *Provided further*, that no such action or prosecution pending at the time of the repeal for any offence committed, or for any penalty, fine or forfeiture incurred under any of the acts or ordinances hereby repealed shall be effected by such repeal: *Provided further*, that no law heretofore repealed shall be revived by the repeal of any act repealing said law.

SEC. 118. That the Board of Aldermen of the city of Wilmington shall submit to the qualified voters of the city of Wilmington the acceptance or rejection of this charter by an election of which they shall give thirty days' notice in the daily papers of the city. The election shall be held in the same manner and under the same laws as the election of Aldermen for said city; and those favoring the adoption of this act shall vote either a written or printed ballot with the words "For New Charter," and those opposed to the adoption of this act will vote a similar ballot with the words "Against New Charter," and the result of this election shall be published by the Mayor in the daily newspapers of the city of Wilmington for ten days.

Question of acceptance or rejection of charter to be submitted to qualified voters.

SEC. 119. That so much of this act as provides for the calling and holding of an election for the acceptance or rejection of this charter shall go into effect immediately, but it shall not go into effect as the charter of the city of Wilmington until ten days after it shall have been ratified by a majority of the votes cast in the election provided for in the preceding section.

When this act and charter goes into effect.

SEC. 120. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 404.

AN ACT TO INCORPORATE THE NORTH CAROLINA  
POULTRY ASSOCIATION.

*The General Assembly of North Carolina do enact;*

Names of incorporators.	SECTION 1. That for the purpose of promoting and encouraging the breeding of thoroughbred poultry in North Carolina, A. E. Tate, B. S. Davis, J. P. Kerr, T. P. Dillon, R. L. Simmons, W. M. Barringer, W. B. Alexander, C. C. Randleman, J. A. Harrell, J. A. Erwin, S. T. Lee, J. P. Garrison, and such other persons as they may associate with them, their successors and assigns, are hereby declared to be a body politic and corporate in fact and in law, by
Corporate name.	the name and style of "The North Carolina Poultry Association," with all the corporate powers and authority hereby granted, to be held and exercised by said association and their successors
Corporate existence.	and assigns for a period of thirty years, and in that name shall have power to purchase, receive as stock, hold, possess and enjoy,
Corporate powers.	sell and convey, real and personal estate necessary for the carrying into effect the purposes of this charter; to have and use a common seal, alterable at their pleasure; to pass such by-laws, rules and regulations for their government, not inconsistent with the laws of this State, as may be necessary to carry into effect the object, and conduct the affairs of the corporation; may sue and be sued, plead and be impleaded, and shall have and enjoy all the rights of a corporate body under the laws of the State.
Capital stock.	SEC. 2. That the capital stock of said association shall be five
Shares.	hundred dollars (\$500.00), to be divided into two hundred (200) shares at the par value of two dollars and fifty cents (\$2.50) each, with the privilege of increasing and enlarging said capital at any time, or from time to time, to any sum not exceeding five thousand dollars (\$5,000.00). The principal place of business of this
Maximum limit of capital stock.	corporation shall be at High Point, in Guilford County, N. C.: <i>Provided</i> , that the principal place of business may at any time be
Place of business of corporation.	changed by the unanimous vote of the president and the executive committee. The annual meeting of the association shall be held
Annual meeting of association.	at such times and places as may be agreed upon by the Board of Directors, and special meetings can be held upon the call of the
Special meetings.	president and a majority of the executive committee; and all members can be represented in person or by proxy, and entitled to cast one vote for every share of stock owned.
By-laws and rules.	SEC. 3. The association shall have power to prescribe in their by-laws, rules and regulations for the registration of thoroughbred fowls, and to divide the same into such classes as may be

desired for effecting the purposes of this corporation. The said association shall have the power to confer such prizes and premiums as they may see fit and to provide for the same in their by-laws.

SEC. 4. The officers of this corporation shall be a president, Officers, three vice-presidents, a secretary and treasurer, a superintendent, an assistant superintendent, and a board of directors or executive committee, of whom the president shall be one *ex officio*, the number of directors or of the executive committee to be determined by a majority of the stockholders. The association shall be governed by the president and executive committee, who, together with all other officers, shall be elected at each regular annual meeting by a majority vote of the stock held; the first annual meeting for organization to be held at such time and place as may be agreed upon hereafter.

SEC. 5. The stockholders of this corporation shall in no event be individually liable for the debts, contracts, or obligations of this association. Stockholders not individually liable for debts, etc., of association.

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

#### CHAPTER 405.

### AN ACT TO AMEND SECTION THIRTY-SEVEN HUNDRED AND TWENTY-ONE OF THE CODE.

*The General Assembly of North Carolina do enact: \**

SECTION 1. Amend section thirty-seven hundred and twenty-one (3721) of The Code by adding "and fifty cents" after the word "dollars" in line seven so as to make the same read "two dollars and fifty cents." Section 3721 of The Code, relative to fees of Governor's Private Secretary, amended.

SEC. 2. Amend said section 3721 by adding after the word "fees" in line eleven the words "except fifty cents, which shall be retained by said private secretary for his services." Section 3721 of The Code, further amended.

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

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

In the General Assembly read three times, and ratified this the 13th day of March, A. D. 1901.

## CHAPTER 406.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF HALIFAX.

*The General Assembly of North Carolina do enact:*

Corporate limits  
of town of Halifax  
to be extended.  
Boundaries of  
extension.

SECTION 1. That the corporate limits of the town of Halifax be extended as follows: Beginning at the southeastern corner of the present town limits, thence a straight line to the eastern corner of the "Conigland House," now occupied by J. L. Oushy; thence a straight line to the southern side of the residence of R. H. Daniel; thence due west to the western boundary of the right of way of the Wilmington and Weldon Railroad Company; thence along said boundary, northwardly, to the Warrenton Road; thence a straight line to the north side of the residence of Mrs. Mary F. Hale; thence a continuation of said line to the Weldon Road; thence along said road to the present corporate limits.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 407.

## AN ACT ENTITLED "AN ACT TO EXTEND THE INCORPORATE LIMITS OF THE TOWN OF MAXTON.

*The General Assembly of North Carolina do enact:*

Corporate limits  
of town of Max-  
ton extended.  
Boundaries of  
extension.

SECTION 1. That the incorporate limits of the town of Maxton be extended so as to include within the incorporate limits of said town the following described territory, viz.: Beginning at the second or northwest corner of the said town as described in chapter eighty, Private Laws of one thousand eight hundred and eighty-nine, of North Carolina, and running thence north sixty-seven and a half degrees west, parallel to the Carolina Central Railroad, to E. L. McCormac's new avenue; thence southwardly along said avenue to the big ditch running into Long Branch; thence along said ditch and said E. L. McCormac's line to the Scotland County line, as now claimed by said Scotland County; thence southwardly along said county line to the southern edge of the right of way of said Carolina Central Railroad; thence eastwardly along said edge of said right of way to the edge of Long Branch at medium low-water mark; thence down the edge

of said brauch at medium low-water mark to a point opposite the southern edge of the old Fair Ground; thence a direct line to the southwest or last corner of said town as described in said chapter eighty, Private Laws of 1889; thence along the western line of said town as established by said chapter eighty, Laws of 1889, north twenty-three and a half degrees east, perpendicular to said Carolina Central Railroad, to the beginning.

SEC. 2. That it shall be lawful for the Board of Commissioners of said town to exempt from taxation for a term not exceeding ten years after the commencement of business any manufacturing enterprise that will locate its plant and machinery in said town and invest in said plant and machinery not less than five thousand dollars and keep at least that amount invested in the same during said exemption from taxation.

Power of Board of Commissioners to exempt certain manufacturing companies from taxation.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 408.

#### AN ACT TO CREATE TWO SCHOOL DISTRICTS, IN YADKIN TOWNSHIP, IN THE COUNTY OF STOKES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That two public school districts are hereby formed in Yadkin Township, in the county of Stokes, located and bounded as set forth in this act.

Two public school districts formed in Yadkin Township, Yadkin County.

SEC. 2. That one district shall be bounded as follows, to-wit: Beginning at the southwest corner of Stokes County; thence north on the county line to the northwest corner of G. W. Barr's land; thence east to the Jones Brauch; thence down said branch to the Little Yadkin; thence down the Little Yadkin as it meanders to the county line; thence west on the county line to the beginning.

Boundaries of one district.

SEC. 3. That the other district shall be bounded as follows, to-wit: Beginning in the Surry County line at the northwest corner of the above-named district; thence east to the Jones Branch; thence down the branch as it meanders to the Little Yadkin; thence up the Little Yadkin to the mouth of the Boles Branch; thence a straight line to the public road at R. W. Boles' barn; thence with said public road to Shiloh Baptist Church; thence west to the county line; thence south on the county

Boundaries of the other district.

line to the beginning: *Provided*, that the school officials, whose duty it is to lay out the school districts, may from time to time change the northern and northeastern boundary of the district mentioned in this section so as to increase the number of school children therein, but not to decrease them: *Provided*, that nothing in this act shall prevent the school authorities of Stokes County from making such changes in the boundaries of said school districts, as from time to time may seem to them proper and expedient.

Districts how to be provided with schools, how governed and regulated.

SEC. 4. That the districts framed by this act shall be provided with schools as other districts under the general law, and they shall be governed, regulated and provided for in all matter under the general act now in force or hereafter to be enacted.

Division of school property and money in district.

SEC. 5. That all school property and the money now apportioned to the territory embraced in said districts shall be equally divided between them.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 409.

AN ACT TO AMEND CHAPTER 138 OF THE PRIVATE LAWS OF 1874 AND 1875, RELATING TO GRADED SCHOOLS IN THE CITY OF CHARLOTTE, AND TO PROVIDE FOR MAINTAINING A FREE LIBRARY IN SAID CITY, RATIFIED THE 28th DAY OF FEBRUARY, A. D. 1901, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Chapter 138 of the Private Laws of 1874 and 1875, relative to graded schools in the City of Charlotte, amended.

SECTION 1. That chapter 138 of the Private Laws of 1874 and 1875, be amended by adding at the end of section five the following: "Said Board of School Commissioners shall have power and authority to establish one or more high schools in the city of Charlotte, to be known as 'The Charlotte High School,' and may employ a principal and teachers and fix their salaries, prescribe courses of study, and in general do whatever may be necessary to establish and maintain said High School for the higher education of the children of the city, without charge, between the ages of twelve and twenty-one years; and they shall also have power in their discretion, to receive into said High School children of the township in which Charlotte is situated, and any

other children, between the ages above mentioned, on such terms as they may think reasonable.

SEC. 2. That the Board of School Commissioners of the city of Charlotte may, shall not be obliged to, adopt for use in the public schools of said city (Graded or High Schools), any book or books which may be at any time adopted by the State Text-Book Commission, but they shall have power to adopt such text-books for use in said schools as they may deem suitable and proper.

Board of School Commissioners of Charlotte empowered to adopt such text-books for said schools as they deem best.

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

In the General Assembly read three times and ratified this the 14th day of March, A. D. 1901.

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#### CHAPTER 410.

#### AN ACT TO AMEND CHARTER OF ENTERPRISE LUMBER COMPANY.

WHEREAS, the Enterprise Lumber Company, of Goldsboro, North Carolina, was duly incorporated before the Clerk of Wayne county on the 9th day of November, 1887: AND WHEREAS, said company is now doing business under said charter; AND WHEREAS, it desires the privilege of extending its lines of tram-way or railway in the county of Wayne and the adjoining counties, and the right to condemn land for said railways and tram-ways,

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever said Enterprise Lumber Company shall require any land for the purpose of construction, extending or operating said railways or tram-ways and all its branches and necessary buildings, etc., it shall have the power to condemn the same under the existing laws of the State of North Carolina in regard to railroads.

Right of eminent domain granted.

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

In the General Assembly read three times, and ratified this 14th day of March, A. D. 1901.

CHAPTER 411.

AN ACT TO AMEND THE CHARTER OF THE TOWN  
OF ABERDEEN.

*The General Assembly of North Carolina do enact:*

Chapter 220, Private Laws 1893, amended.

SECTION 1. That chapter 220 of the Private Laws of 1893 be and the same is hereby amended as follows: Strike out in line five of the second section of said chapter the first "eighty" and insert in lieu thereof the word "ninety-six," and strike out in line six of said second section the word "eighty" and insert in lieu thereof the words "ninety-five," and strike out in line five of section four of said chapter the words "one-half of."

SEC. 2. That said chapter be further amended by adding at the end thereof the following:

Power of commissioners to enforce stock law in said town.

SEC. 3. That the Commissioners shall have power to prevent horses, cattle, hogs and other brutes from running at large in the town, and the Town Marshal may, by order of the Mayor, seize and detain any such animals till such fine and costs as may be imposed for such violation may be paid by the owner, and if not paid, may sell the same at public auction in said town after giving three days' notice at three public places, and apply the proceeds to the payment of said costs and fine and pay the surplus to the owner of the stocks.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

CHAPTER 412.

AN ACT TO INCORPORATE THE J. M. RAY CAMP OF UNITED  
CONFEDERATE VETERANS.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. M. Ray, J. M. Gudger, G. M. Williams, W. R. Powers and Robert Young, they and their successors in office be and they are hereby created a body politic and corporate under the name and style of "The J. M. Ray Camp of United Confederate Veterans," and under such name, in addition to having a corporate seal, they shall have and use all the powers set out in the laws of North Carolina in The Code in chapter regulating the formation of corporations.

Corporate name.

Corporate powers.

Officers.

SEC. 2. That the officers of the said association shall consist of a colonel, a major, a captain, a first and a second lieutenant, who shall be elected annually by the incorporators named herein, or by their successors, under such rules and regulations and at such times as

When elected.



said incorporators or their successors may adopt and name, and until then the following shall be the officers of the said camp: J. M. Ray, Colonel; J. M. Gudger, Major; G. M. Williams, Captain; W. R. Powers, First Lieutenant; Robert Young, Second Lieutenant.

SEC. 3. That the following territory is embraced within said corporation and set apart for its purposes, to-wit: That certain lot or parcel of land in Buncombe county, North Carolina, on the waters of Swannanoa river and described as follows: Beginning at a Spanish oak, then with M. L. Reed's line back to the beginning, south 60 degrees east 16 poles, crossing the branch, in all 21.5 poles, to the southwest margin of the road; thence with the road north 31 degrees west 20.2 poles; thence 64 degrees 45 minutes west 6.2 poles; thence leaving the road south 6 degrees 30 minutes west 29.6 poles to the beginning, containing one and seven-tenths acres, more or less.

Corporation territory.

SEC. 4. That the said corporation shall have power to hold there the annual and other reunions of the camp and such other gatherings as it may desire to hold, or permit others to hold, and to this end the incorporators and their successors are empowered to enact and pass any and all regulations and by-laws regulating the conduct of persons within said boundaries, and the violation of any such regulation shall be a misdemeanor and the person convicted of so violating same shall be fined not to exceed fifty dollars or be imprisoned not more than thirty days, and any justice of the peace in Buncombe county shall have jurisdiction of such offense.

Corporate powers as to said territory.

Misdemeanor to violate regulations.

Penalty.

SEC. 5. That the said territory is hereby incorporated into a town and the power conferred on the officers of said corporation which are conferred on the commissioners of cities and towns under the general laws of the State.

Territory made an incorporated town with powers incident thereto.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 413.

#### AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE FARMERS BANK OF ROCKINGHAM," RATIFIED FEBRUARY 26TH, 1901.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the bill passed at the present session of the General Assembly, entitled "An act to incorporate the Farmers Bank of Rockingham," and ratified the 26th day of February, 1901, be and the same is hereby amended as follows: Strike out in line two of

Capital stock reduced.

section two the words "twenty-five thousand dollars" and insert in lieu thereof the words "fifteen thousand dollars."

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

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CHAPTER 414.

AN ACT AUTHORIZING THE SECRETARY OF STATE TO ISSUE  
A GRANT TO J. A. DAVIS, OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Secretary of State  
authorized to issue  
grant to J. A.  
Davis on filing of  
proper certificates,  
etc.

SECTION 1. That upon the payment to the Secretary of State by J. A. Davis, of Cherokee county, of the lawful fees, and upon the filing with the Secretary of State of the proper warrants or certificates of survey for tract of land number 6915, in the fifth district, Cherokee county, and the receipts for the payments heretofore made by the assignor of said J. A. Davis or the original purchaser of said land, or the certificate of the entry-taker of Cherokee county, that said land has been paid for, the said Secretary of State is hereby authorized and directed to issue to the said J. A. Davis a grant for the tract of land described in said warrant or certificate of survey.

Not to interfere  
with vested rights  
of others.

SEC. 2. That this act shall not be so construed as to interfere with the vested rights of any other claimant to said land.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

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CHAPTER 415.

AN ACT TO INCORPORATE THE SMITHFIELD  
FIRE COMPANY.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Henderson Cole, Thomas J. Lassiter, N. B. Grantham, S. S. Holt, F. H. Brooks, W. H. Austin, J. D. Boyett, J. H. Kirkman, J. K. Hollowell, J. W. Stephenson, W. L. Brady, J. W. Pruden, John C. Ellington, H. D. Ellington, H. L. Skinner and other persons who shall be associated with them for the object intended and their successors, duly elected and chosen according to the by-laws of the company, shall constitute a body politic and corporate

by the name and style of the Smithfield Fire Company, for the purpose of more united and efficient action in the extinguishing of fires in the town of Smithfield, North Carolina, and by that name and style shall have power to acquire a steam-engine or engines and such other equipments as is necessary for the successful accomplishments of the object of their organization and such real estate as may be needful for the protection of their property for meeting places, etc., the original value of which shall at no time exceed \$10,000.

SEC. 2. *Be it further enacted*, That said company shall by name and style aforesaid have succession, sue and be sued, plead and be impleaded, have a common seal and alter the same at pleasure, and make by-laws and rules necessary for the proper government of the company and the management of its funds, not inconsistent with the laws of the State, and in all matters as and perform what is customary and proper for fulfilling the object of the association.

SEC. 3. *Be it further enacted*, That active members in the actual service of the company shall be exempt during the continuance of such service from jury service and from the payment of city poll-taxes. The number of active members not to exceed forty (40) at any time.

SEC. 4. *Be it further enacted*, That the members of the company, with horses or whatever means used for transporting their engines, hose, ladders, or whatever implements used for fighting fire, shall have the right of way over any and all streets, alleys, highways or byways in the city of Smithfield, North Carolina, in their efforts to reach the place where a fire is; that the speed at which they may drive or travel shall not be limited by any town ordinance.

SEC. 5. *Be it further enacted*, That this act be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

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#### CHAPTER 416.

### AN ACT TO INCORPORATE THE WEST ASHEVILLE CEMETERY ASSOCIATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. F. Hayes, A. E. Brown, H. A. Brown, W. E. Howard, W. E. Logan, A. S. Nicholson and J. G. Farrell, all of the county of Buncombe and State of North Carolina, together with such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate for the purpose hereinafter mentioned, under the corporate name

Corporate name.	and style of "West Asheville Cemetery Association," and by that name may sue and be sued, plead and be impleaded in all courts of
Corporate powers.	this State; may contract and be contracted with, and may have perpetual succession and a corporate seal.
May hold and suitably dispose of not over 25 acres of land for burial purposes.	SEC. 2. That said corporation may purchase and hold as much land, not exceeding twenty-five acres, as may be necessary for locating and establishing a cemetery in or near the town of West Asheville, in the county of Buncombe and State of North Carolina, and may sell or otherwise dispose of the land so acquired in suitable lots to be used exclusively as a place of burial for the dead.
Land exempt from taxation or sale under execution.	SEC. 3. That the real estate of said corporation and the burial lots conveyed by it to individual proprietors shall be exempt from all taxation for State, county and municipal purposes, and shall not be liable to be sold on execution.
Misdemeanor to willfully destroy, mutilate, deface or injure any monument, stone, fence, tree, etc., in said cemetery.	SEC. 4. That any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure in said cemetery, or any fence, railing, enclosure or other work for the protection or ornamentation of the same, or of any burial lot therein, or who shall willfully destroy, cut, break or injure any tree, shrub or plant within the limits of said cemetery, shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, and such offender shall moreover be liable for the trespass in an action by the corporation in any court of competent jurisdiction; and in such case any member of the corporation shall be a competent witness.
Penalty.	
Land perpetually dedicated to cemetery purposes.	SEC. 5. That the land purchased by the corporation shall forever remain dedicated to the purpose of a cemetery, and the lots therein which the corporation shall convey to individual proprietors shall be so conveyed as to reserve to the corporation or its agents the right to limit the number of interments to be made therein and to specify the persons or classes of persons to be interred.
Right to limit number of burials or specify persons reserved.	
Form and execution of conveyance and control of property.	SEC. 6. That said corporation may prescribe the form of conveyance for the burial lots in said cemetery and how and by whom the same shall be executed, and may make all such laws, rules and regulations, not inconsistent with the laws of the State and of the United States, as they may deem necessary for the control of their property and the improvement and ornamentation of said cemetery.
Use of proceeds from sale of burial lots.	SEC. 7. That said corporation shall use all moneys accruing from the sale of burial lots exclusively for improving said cemetery.
	SEC. 8. That this act shall be in force from and after its ratification.
	In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 417.

## AN ACT AUTHORIZING THE SECRETARY OF STATE TO ISSUE GRANTS TO JAMES M. DAVIS, OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the payment to the Secretary of State by James M. Davis, of Cherokee county, of the lawful fees, and upon filing with the Secretary of State of the proper warrants or certificates of survey for tracts of land numbers 2268 and 6914, in district number 5, Cherokee county, and the receipts for the payments heretofore made by the assignor of said James M. Davis on the original purchases of said tract of land, or a certificate of the entry-taker of Cherokee county showing that said lands have been paid for, the said Secretary of State is hereby authorized and directed to issue to said James M. Davis grants for the lands described in said warrants or certificates of survey.

Secretary of State to issue certain grants to James M. Davis upon his paying fees and filing certain warrants, receipts, etc.

SEC. 2. That this act shall not be so construed as to interfere with the vested rights of any other claimant to said lands or any part of same.

Vested rights not interfered with.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 418.

## AN ACT AUTHORIZING THE SECRETARY OF STATE TO ISSUE A GRANT TO CLEM DAVIS, OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That upon the payment to the Secretary of State by Clem Davis, of Cherokee county, of the lawful fees, and upon the filing with the Secretary of State of the proper warrant or certificate of survey for tract of land known as Pre-emption tract number three hundred and two, in district number five, Cherokee county, and the receipts for the payments heretofore made by assignor of the said Clem Davis or original purchaser of the land, the said Secretary of State is hereby authorized and directed to issue to said Clem Davis a grant for the tract of land described in said warrant or certificate of survey.

Secretary of State to issue certain grant to Clem Davis, Cherokee county, upon filing certain warrant, certificate, receipts and payment of fees.

SEC. 2. That this act shall not be so construed as to interfere with the vested rights of any other claimant to said land.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 419.

AN ACT TO AMEND CHAPTER EIGHTEEN, PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-NINE, WHICH IS AMENDATORY OF CHAPTER ONE HUNDRED AND FIFTY-THREE, PRIVATE LAWS OF EIGHTEEN HUNDRED AND NINETY-THREE, ENTITLED AN ACT TO INCORPORATE THE CITY OF FAYETTEVILLE.

*The General Assembly of North Carolina do enact:*

Chapter 18, Private Laws 1899, amended.

That chapter eighteen of the Private Laws of eighteen hundred and ninety-nine, which is amendatory of chapter one hundred and fifty-three of the Private Laws of eighteen hundred and ninety-three, be amended as follows:

Section 10 amended.

SECTION 1. Amend section 10, chapter eighteen of the laws of eighteen hundred and ninety-nine, which is section 53 of the Private laws of eighteen hundred and ninety-three, so as to read as follows:

Proportion of tax to be set aside for payment of debt, water-works and school purposes.

"Section 53. The Board of Aldermen shall set aside thirty per centum of the poll and property tax collected each year, which shall be applied to the debt, and twenty per centum of the tax, if necessary, which shall be set aside for water, and the Board of Aldermen shall have power to regulate water charges for private consumption by any water company doing business, or the plants or pipes of which are wholly or partially located in the city of Fayetteville, and the Board of Aldermen may have power, if they deem advisable, to set aside as much as fifteen per centum of the poll and property tax for the purchase of school property and the running of or the assisting towards the running of a public school in the city of Fayetteville."

Conflicting laws repealed.

SEC. 2. This act shall be in force from and after its ratification, and all laws and parts of laws in conflict herewith are hereby repealed.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

## CHAPTER 420.

AN ACT TO INCORPORATE THE FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That T. H. Gatlin, L. B. Knight, C. B. Killebrew, J. A. Davis, R. G. Hart, R. H. Spreight and Jesse Brake and all other persons who may become members thereof be and they are hereby constituted a body politic and corporate under name of the Edgecombe County Farmers Mutual Fire Insurance Association for a period

Corporate name.

of sixty years, and under that name shall have all the powers, Existence privileges and franchises incident to such corporations under the laws Powers. of the State of North Carolina.

SEC. 2. That said corporation shall have the right to mutually insure the respective dwelling-houses, barns and other property of its members in the county of Edgecombe against loss by fire, winds or lightning, upon such terms and under such conditions as may be fixed by the by-laws of said corporation. It may sue or be sued in any court in this State, and may have and use a common seal. Corporate rights and powers.

SEC. 3. That the said corporation may make by-laws fixing the number of its board of directors and other officers and the power and duties of the directors and other officers. Also making rules and regulations governing the corporation and the conduct of business, not inconsistent with the laws of the United States and of the State of North Carolina. Power to make by-laws, rules, regulations, etc

SEC. 4. That every member of said corporation shall be and is hereby bound to pay his or their portion of all losses or expenses accruing to said corporation. Liability of members

SEC. 5. Every member of said corporation shall be liable as herein provided until all outstanding losses shall have been paid and until the owner thereof shall have withdrawn his insurance in the manner prescribed by the by-laws of said corporation. Liability of members

SEC. 6. That the aggregate amount of insurance by said corporation shall not exceed two million dollars. Maximum aggregate amount of insurance.

SEC. 7. That the principal office of said corporation shall be at Tarboro, in the State of North Carolina, but it may have branch offices anywhere in the county of Edgecombe that it sees fit.

SEC. 8. That this act shall go into effect from and after its ratification. Principal and branch offices.

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 421.

AN ACT TO AMEND CHAPTER NUMBER ONE HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN, AND TO CHANGE THE NAME OF SAID ASSOCIATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of section one of chapter 101 of the Private Laws of 1897, beginning with the word "that" down to and including the name of W. R. Vanwright, be and the same is hereby erased and repealed, and the following be inserted in lieu thereof: "That W. L. Person, Charles E. Spicer, Dred Wimberly, . . . . . and . . . . ."

- Name changed. SEC. 2. To strike out in line nine of section 1 the name "The National Protective Association" and to insert in lieu thereof the name "The Lincoln Benefit Society."
- Section 9 amended. SEC. 3. To strike out in line seven of section 9 the word "members" and to insert in lieu thereof the word "directors."
- Section 11 amended. SEC. 4. To strike out in line twelve, section 11, the word "twenty-five" and to insert in lieu thereof the word "fifty."
- Section 11 amended in regard to policy. SEC. 5. To strike out in section 11, beginning with the word "policy," in line fourteen, the remainder of said section and to insert in lieu thereof the following: "The face value of the policy if same can be collected, less fees, fines, dues and assessments."
- Section 15 eradicated, what substituted. SEC. 6. Strike out all of section 15 and insert in lieu thereof for said section: "There shall be a meeting called by the president of the board of directors annually for the election of directors and officers for the ensuing year; said meeting to be called during the month of April of each year. The term of office for each officer shall be one year, beginning June 1st, 1901."
- Officers when guilty, how punished. SEC. 7. Any officer found guilty of embezzlement or malfeasance may be suspended during his term of office. Any officer so suspended shall forfeit to the society all the interest, powers, privileges and emoluments due him by the said association or granted in this charter.
- Original privileges not affected by this act. SEC. 8. That nothing in this act contained shall be construed as depriving said society of any of the rights or privileges, or in any manner to curtail any of the powers granted in the original charter granted by the General Assembly of this State, and for which the full State tax was paid, viz.: Fifty dollars (\$50); neither shall it be liable for any act or deed of the former association, or be responsible in any manner to its officers or members, except such of the members who are not in arrears of their dues at the date of this amendment.
- Members, how to gain full membership. Previso. SEC. 9. But every council and all of its members may, upon application to the board of directors, become full members of said society, whether delinquent or otherwise: *Provided*, they comply with the terms set out by the said board of directors within sixty days from June 1st, 1901.
- Certain parties permanent members. Previso. SEC. 10. The said W. Lee Person, Charles E. Spicer, Dred Wimberly, ..... and ....., their heirs and assigns, shall forever form a part of said society, provided they comply with the demands of said board of directors. Upon the failure of either one the board of directors shall advertise in some State paper in the city of Raleigh, for thirty days, the right, title, interest and emoluments of said defaulter, and sell the same publicly in the city of Raleigh to the highest bidder. Said interest may be bought by the society.
- Members, how increased. SEC. 11. The incorporators herein mentioned may increase their number to five members by a plurality vote in regular meeting. When such is done the members so included shall become a part of



said society to all intents and purposes as if their names appeared in this act.

SEC. 12. Any member of the board of directors may have the right to inspect the books of the officers of said society at their pleasure, and may report the facts to the remainder of the board, who shall, if anything be not right, demand a special meeting of said board to suspend any officer who fails to comply with its by-laws.

Books to be open to inspection.

SEC. 13. That wherever the word association may appear in the original act it shall be erased and the word to be placed in lieu thereof shall be "society."

Association to be stricken out, society in lieu.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 422.

### AN ACT TO INCORPORATE THE CITIZENS BANKING AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That James M. Allen, C. T. Stokes, A. W. Wilson, Corporators, W. T. Hughes, M. L. T. Davis and their associates and successors are hereby created a body politic and corporate under the name and style of The Citizens Banking and Trust Company, and by such name shall have all the powers, rights, privileges and immunities granted to any banking institution by the laws of North Carolina.

Name, Privileges and powers.

SEC. 2. The corporators above named, or any three of them, may open books of subscription, and after three hundred shares of fifty dollars each shall have been subscribed, then upon ten days' notice the subscribers may meet and organize by the election of a board of not less than five directors, who shall manage the affairs of the corporation for one year, or until their successors are elected, and who shall elect all necessary officers, employees and agents. The corporation shall have authority to transact business whenever three hundred shares have been subscribed and fifty per centum thereof paid.

Books, when opened. Amount to be subscribed.

SEC. 3. The capital stock of the said corporation shall not be less than fifteen thousand dollars (\$15,000), but the same may be increased from time to time to an amount not to exceed one hundred thousand dollars, to be divided into shares of the par value of fifty dollars each.

Capital stock.

Privilege to increase.

SEC. 4. The principal office and place of business of said corporation shall be in Louisburg, State of North Carolina; and its officers shall consist of a board of at least five directors, a president, vice-

Principal office. Officers.

- 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 shall be elected annually by the stockholders; the directors so elected shall choose the officers aforesaid, and may require the cashier and such other employees as they may think advisable to give bond with approved security for the faithful performance of their respective duties. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy.
- Directors, how chosen.**
- Stock, how voted.**
- Powers and privileges enumerated.** SEC. 5. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in the courts as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property; to make by-laws for the regulation and management of the business of the company; and to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.
- A general banking business.** SEC. 6. That said corporation shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation; to invest its own money or the money of others; to lend and invest money in or upon the security of mortgage, pledge, deed or otherwise on any lands, hereditaments or personal property, or interest therein of any description situate anywhere; to lend money, or purchase or otherwise accept 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, and what is known as cash credits, 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 in any such loans not exceeding the rate allowed by law.
- Power to purchase or acquire property.** SEC. 7. That said corporation 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 said 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. 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, as an investment or otherwise.

SEC. 8. The said corporation shall be invested with all the powers and privileges usually incident to banking institutions and to savings banks, with the right to receive deposits, 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.

SEC. 9. The said corporation may receive deposits from minors and married women, and open accounts with them in their own name, whether for investment or otherwise; and when any deposit shall be made in the name of any minor or married woman the said company may deal with such minor or married woman in reference thereto as though he or she were *sui juris*, and payment made to such minor or married woman, on his or her receipt or acquittance, or his or her check drawn against such deposit, shall be a valid and sufficient release and discharge to such corporation for such deposit and any interest thereon or any part thereof.

SEC. 10. That said corporation shall have power to become surety on the bond of any State, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice as fully as a natural person, by the signature and justification of any of its executive officers authorized by the rules and regulations of the company to do so.

SEC. 11. That said corporation 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 stocks, or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commissions or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

SEC. 12. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy, and no stockholder shall transfer his stock, except by consent of 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 holder.

Right to receive money in trust and to act as administrator.

SEC. 13. That said corporation shall have power to receive money in trust; to become executor or administrator of any 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 or 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.

Court may designate said corporation to act in any fiduciary capacity.

SEC. 14. That in all cases when application shall be made to any court of this State for the appointment of any receiver, trustee, administrator, assignee, commissioner or guardian of any minor or of any lunatic or insane person, it shall be lawful for such court, if it shall think fit, to appoint the Citizens Banking and Trust Company such receiver, trustee, administrator, assignee, commissioner or guardian, and the accounts of such corporation in such fiduciary capacity shall be regularly settled and adjusted as if it was a natural person, and upon such settlement or adjustment all proper, legal and customary charges, cost and expense shall be allowed to said corporation for its services, care and management in the premises, and the said corporation, as such receiver, trustee, administrator, executor, assignee, commissioner or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of this State: *Provided*, that any oath required by law to be taken, in order for qualification to any of the offices or trust above mentioned may be taken by any officer of said company, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

Additional powers, may further act in fiduciary capacity; may receive deposits.

SEC. 15. The said corporation is hereby fully authorized and empowered to act as trustee or assignee for any insolvent person, 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 rate. It shall have power and authority to receive for safe-keeping on deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid, and generally to do and carry on the business of a safety deposit and trust company. Said corporation shall also have power to issue bills or notes to circulate as currency in such denominations as the board of directors may authorize, and under such regulations as may be hereafter authorized and provided by the laws of this State and the United States.

Power to erect and maintain warehouses, etc.

SEC. 16. That in addition to the powers above conferred said corporation may build, erect, maintain, conduct and operate one or more warehouses or depots for the storage of goods, wares, merchandise, cotton and other products, and to charge and receive commissions,

Regulations of.

rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored except as to prior registered mortgages; make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance of property stored, and all other matters affecting the safe and prudent conduct of such business; make advances of money or credit upon cotton or other product 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 indorsement 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. 17. That the powers and privileges set forth in this act shall not be deemed forfeited by non-user: *Provided*, the said corporation is organized within five years from the date of the ratification of this act.

No forfeiture by non-user.  
Proviso.

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

In the General Assembly read three times, and ratified this the 14th day of March, A. D. 1901.

#### CHAPTER 423.

#### AN ACT TO INCORPORATE THE BELGRADE INSTITUTE, IN ONSLOW COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Frederick C. Henderson, his associates and successors are hereby incorporated a body politic for educational purposes under the name and style of the Belgrade Institute, in the county of Onslow; and as such may have all the powers of like institutions, and may sue and be sued, plead and be impleaded.

Corporators.

Name.

Powers.

SEC. 2. Said corporation may purchase and hold such property, real and personal, as they may deem necessary for the purposes above named, and may convey the same at pleasure.

Power to purchase and hold land.

SEC. 3. The said Belgrade Institute is hereby empowered to grant such certificates of proficiency and merit as may be deemed advisable.

May award certificates of proficiency.

Unlawful to sell  
liquor within two  
miles.  
Proviso.

SEC. 4. That it shall be unlawful for any person to sell or offer for sale spirituous, vinous or malt liquors within two miles of said institute: *Provided*, this act shall apply only to territory lying within Onslow county.

A misdemeanor.

SEC. 5. Any person violating the provisions of section four of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars or imprisoned not more than thirty days.

Penalty.

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

In the General Assembly read three times, and ratified this 14th day of March, A. D. 1901.

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#### CHAPTER 424.

### AN ACT TO AMEND CHAPTER 243 OF THE PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

Section 3, Chapter  
243, Private Laws  
1899, relative to  
charter of Louis-  
burg, amended.

SECTION 1. That section 3 of chapter 243, of the Private Laws of 1899, be and the same is hereby amended by striking out in line six of said section the word "Salisbury" and inserting the word "Louisburg."

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

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#### CHAPTER 425.

### AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE (AND J. A. GILBERT, TAX COLLECTOR), IN MECKLENBURG COUNTY, TO COLLECT ARREARS OF TAXES.

*The General Assembly of North Carolina do enact:*

Mayor and Board  
of Commissioners  
and Tax Collector  
of Huntersville  
authorized to col-  
lect municipal  
taxes for 1899 and  
1900.

SECTION 1. That the Mayor and Board of Commissioners of the town of Huntersville, in Mecklenburg County, and J. A. Gilbert, Tax Collector for said town, are hereby empowered to collect all municipal taxes due the said town of Huntersville for the years one thousand eight hundred and ninety-nine (1899) and one thousand nine hundred (1900), under such rules and regulations

as are now provided for the collection of taxes in said town, and with all the powers and authority of a Sheriff or Tax Collector. Powers and authority.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

#### CHAPTER 426.

#### AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 82, PRIVATE LAWS OF 1899."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the bill passed at the present session of the General Assembly, entitled "An act to amend chapter 82, Private Laws of 1899," and ratified the 13th day of March, 1901, be and the same is hereby amended as follows: Strike out in lines twenty and twenty-one of section one the words "in denominations of not less than ten thousand dollars," and insert in lieu thereof the word "in denominations of not less than ten dollars." Act allowing town of New Bern to issue bonds, amended. Denominations of bonds changed.

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

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.

#### CHAPTER 427.

#### AN ACT TO INCORPORATE BEAVER ISLAND BAPTIST CHURCH, IN ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to engage in the sale or manufacture of spirituous, vinous or malt liquors within two miles of Beaver Island Baptist Church, in Rockingham County. Unlawful to sell or manufacture intoxicating liquors in two miles of Beaver Island Church, Rockingham County.

SEC. 2. Any person or persons violating this act shall be guilty of a misdemeanor and upon conviction shall be fined, or worked on the county roads, at the discretion of the Court. Violation a misdemeanor. Penalty.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 428.

AN ACT SUPPLEMENTAL TO AN ACT PASSED BY THE GENERAL ASSEMBLY TO AUTHORIZE THE TOWN OF MARION TO ISSUE FIFTY THOUSAND DOLLARS IN BONDS FOR WATER-WORKS AND SEWERAGE, BEING HOUSE BILL 450.

*The General Assembly of North Carolina do enact:*

Providing for purchase or construction of electric light plant.

SECTION 1. That the corporation of the town of Marion may use so much of the fifty thousand dollars in bonds or such part thereof as shall be authorized under said before mentioned act of this General Assembly, to purchase or construct and operate an electric light plant for said town.

Election on question of bond issue, when held.

SEC. 2. That the election to be held for submitting the proposition to issue said fifty thousand dollars in municipal bonds or such part thereof as may be so submitted, shall be held at such time as the Board of Aldermen shall designate, of which due notice shall be given, as provided in the original act.

Notice.

Conflicting laws repealed.

SEC. 3. That all laws or parts of laws inconsistent with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 429.

AN ACT TO AMEND CHAPTER 203, PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

Amended as to individual responsibility of stockholders.

SECTION 1. That chapter two hundred and three (203), Private Laws of 1899, be amended by adding to the end of section four, the following: "The stockholders in this corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation, to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such stock.

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

In the General Assembly read three times, and ratified this the 4th day of April, A. D. 1901.



## CHAPTER 430.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
ROCKINGHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section 46, chapter 101, Private Laws of eighteen hundred and eighty-seven, be and the same is hereby amended by inserting between the words "therein" and "shall" in line five thereof, the words "who shall pay a license tax of \$500.00 per annum for the privilege of selling the same in said town," by striking out in lines six and seven of said section the words "shall prescribe the amount of license tax therefor, which shall not exceed two hundred dollars;" and by striking out the word "the" at the end of line seven and the word "same" at the beginning of line eight of said section, and inserting in lieu thereof the words "said license tax."

Section 46, Chapter 101, Private Laws 1887, relative to liquor license in town of Rockingham, amended.

SEC. 2. That all laws and clauses of laws in conflict with the amendments contained in the above section, which have been enacted at any time since the enactment of the chapter hereby amended, are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

## CHAPTER 431.

AN ACT TO INCORPORATE THE TOWN OF RUTHERFORD  
COLLEGE, IN BURKE COUNTY, AND TO REPEAL CHAPTER  
THIRTY-TWO, PRIVATE LAWS OF 1871-2.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Rutherford College (heretofore incorporated and known as Excelsior) is hereby incorporated as a body politic and corporate by the name and style of "the Mayor and Commissioners of the town of Rutherford College."

Town of Rutherford College incorporated.

SEC. 2. That the corporate limits of the said town shall be the lines of the four hundred acre tract of land donated to the trustees of Rutherford College by the late John Rutherford; also, including the adjoining lands of Mrs. Emma Chapman, R. L. Abernethy and W. L. Griffin.

Corporate limits.

Sale of liquor prohibited.

Disposal of to students in five miles of town prohibited.

Violation a misdemeanor.

Penalty.

Names of appointed mayor and commissioners.

Term of office.

Powers of mayor and commissioners.

Chapter III, Battle's Revisal, applicable.

Chapter 32, Private Laws 1871, and Chapter —, Private Laws 1881, repealed.

SEC. 3. That no spirituous liquors shall be sold within said corporate limits, nor shall it be lawful to sell, or otherwise dispose of intoxicating drinks to any person, a student of said college, within five miles of the same, and any person so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

SEC. 4. That D. H. Peeler be appointed Mayor, and G. P. Jones, P. D. Moore, J. F. Coulter, A. C. Reynolds, W. J. Crawford, J. F. Abernethy, W. L. Griffin, be appointed Commissioners, who shall hold their offices until the next regular election for municipal officers, in this State, and until their successors are elected and qualified.

SEC. 5. That all the officers herein named, and their successors, shall have all the powers and immunities, and shall have all the restrictions, and liabilities enumerated in chapter one hundred and eleven of Battle's Revisal, entitled "Towns."

SEC. 6. That chapter thirty-two, Private Laws of 1871-2, ratified thirteenth day of January, 1872, is hereby repealed, also that chapter . . . . Private Laws of 1881, ratified the eleventh day of February, 1881, is hereby repealed.

SEC. 7. That this act shall be enforced from and after the first day of April, 1901.

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

#### CHAPTER 432.

### AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO APPROPRIATE MONEY TO MAINTAIN A FREE LIBRARY OR LIBRARIES IN SAID CITY AND REGULATING LIBRARIES.

*The General Assembly of North Carolina do enact:*

Charlotte authorized to contribute to maintenance of public library. Amount.

Question of appropriation to be submitted to voters, when.

SECTION 1. That the city of Charlotte be and it is hereby authorized to appropriate a sum not less than two thousand dollars nor exceeding twenty-five hundred dollars per annum for the purpose of maintaining a free library or libraries in the city of Charlotte, and to pay the amount so appropriated to the Board of School Commissioners of said city, the money to be paid out of any general funds in the City Treasury not otherwise appropriated: *Provided*, that before said sum is appropriated or the money paid, a vote upon the question shall be had at the May

1901, municipal election in said city in the same manner and under the same rules and regulations, in all respects, as now obtain in the election of Mayor and Aldermen of said city, except that those electors voting to allow the appropriation shall each vote a paper ballot upon which shall be written or printed the words "For Appropriation," and those electors voting against allowing the appropriation shall each vote a paper ballot upon which shall be written or printed the words "Against Appropriation," and in case a majority of the ballots cast shall be "For Appropriation," then said city of Charlotte shall annually appropriate and pay to the School Commissioners of the city of Charlotte for the purpose of maintaining such library or libraries, a sum not less than two thousand dollars nor more than twenty-five hundred dollars.

Form of ballots.

If authorized by voters, appropriation to be made.

SEC. 2. That all citizens of the city of Charlotte shall have free access to and the use of the books in all the free libraries in the city of Charlotte now established or hereafter to be established, under rules and regulations to be prescribed by the Board of School Commissioners of the city of Charlotte: *Provided*, the white and colored people shall be provided separate rooms, books and apartments.

Free use of books, by Charlotte citizens.

Separate rooms for white and colored people.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

#### CHAPTER 433.

#### AN ACT FOR THE RELIEF OF D. C. HIGH.

WHEREAS, There was recently stolen from the safe of D. C. High, Chief of Police and Tax Collector of the town of Louisburg, North Carolina, the sum of one hundred and thirteen and 68-100 dollars (\$113.68); and,

Preamble.

WHEREAS, The loss of the same was due to no fault or negligence on the part of the said D. C. High; and,

WHEREAS, The Commissioners of said town have requested the General Assembly to pass an act authorizing them to relieve the said D. C. High from all liability on account of said loss; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the town of Louisburg are authorized and empowered in their settlement

Louisburg Town Commissioners authorized to

credit, in settlement, D. C. High with \$113.68, town funds, stolen from him.

with D. C. High, Chief of Police, and lately Tax Collector of said town, to credit him with the sum of \$113.68, the sum being the amount of money belonging to said town, which was recently stolen from the safe of said D. C. High, without any fault or negligence on the part of said D. C. High, and to release the said High from all liability to the said town on account thereof.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

CHAPTER 434.

AN ACT TO AUTHORIZE THE CITY OF MONROE TO FUND ITS OUTSTANDING INDEBTEDNESS.

*The General Assembly of North Carolina do enact:*

Aldermen of Monroe authorized to issue bonds to fund indebtedness.

Amount; denominations.

Interest coupons.

Numbers of bonds and coupons.

Maturity. Exempt from municipal taxation.

Bonds, how executed.

By whom and for what price disposed of.

Issue restricted.

Tax for interest and sinking fund.

SECTION 1. That for the purpose of funding the outstanding indebtedness of the city of Monroe remaining unpaid and providing for its payment, the Aldermen of the city of Monroe are authorized and empowered to issue bonds bearing interest at five per centum per annum, to the amount of six thousand dollars, of the denomination of five hundred dollars each, to each and every of which bonds shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable annually on the first day of January of every year until the bonds shall mature, and the bonds so issued by said Aldermen shall be numbered consecutively from one to twelve, and the bonds shall bear the number of the coupons attached to them and such coupons shall declare the amount of interest which they represent and when due and shall be receivable in payment of city taxes; the bonds shall run for a period of twenty years and shall be exempt from municipal taxation.

SEC. 2. The said bonds shall be issued under the signature of the Mayor of the city of Monroe and of the Clerk and Treasurer of said city and attested by the official seal of the said city of Monroe, and shall be disposed of by the Mayor of Monroe under the direction of the Aldermen, at a sum not less than their par value: *Provided*, that no more bonds shall be issued than shall be necessary to pay the outstanding indebtedness of said city of Monroe.

SEC. 3 That for the purpose of paying the interest on said bonds as it falls due and of providing a sinking fund for the pay-

ment of said bonds as they shall mature, it shall be the duty of the Aldermen of the city of Monroe to levy and cause to be collected annually as other taxes of said city are collected a tax upon the real and personal property of said city of Monroe not exceeding fifteen cents on the one hundred dollars worth of property and forty-five cents on the polls of said city.

Maximum  
amount.

SEC. 4. That in order that the Aldermen of said city may use the excess of the fund raised by taxation under this act providing for the issue of the bonds, after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one-sixth of the whole number of bonds issued at a sum not exceeding their par value, and in case no one shall offer to sell one-sixth thereof, then the Aldermen shall designate such bonds, not exceeding one-sixth of the entire number issued, as they may desire to purchase, and after a designation of the said bonds and a notice thereof given through a newspaper published in the city of Monroe, if the holder of such bonds shall refuse or neglect to surrender the same and receive their par value with interest at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, that the first of said bonds shall not be redeemable until fourteen years from the date of their issue and one-sixth thereof annually thereafter until the whole number of said bonds shall be paid.

Provisions for  
purchase of one-  
sixth of bonds  
annually with  
sinking fund.

Proviso.

SEC. 5. That the Aldermen of said city of Monroe shall provide a record, which shall be kept by their Clerk, in which shall be entered the name of every purchaser and the number of the bond so purchased; also, a record of the bonds redeemed annually, and from whom purchased, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the Board of Aldermen by one of their number or their clerk in their presence and under their direction.

Record of bond  
sale and pur-  
chase.

Destruction of  
cancelled bonds.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws  
repealed.

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

In the General Assembly read three times, and ratified this the 15th day of March, 1901.

CHAPTER 435.

AN ACT TO ENLARGE THE CORPORATE LIMITS OF MT. AIRY, N. C.

*The General Assembly of North Carolina do enact:*

Corporate limits  
of Mt. Airy  
enlarged and  
defined.

SECTION 1. That the corporate limits of Mount Airy, in Surry County, be so changed as to include the territory embraced within the following boundaries, viz: Beginning at the corporation line at the forks of Fancy and Ward's Gap roads and running west with Fancy Gap Road to northwest corner of Pinkston's lot; thence a straight line to northeast corner of Pace's lot; thence west with Pace's line passing his corner and continuing same direction to corporation line; thence with said line to the beginning, which said territory shall be added to the present limits of said town and be subject to all the provisions of law now existing in relation to said town of Mt. Airy.

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

In the General Assembly read three times, and ratified this the 15th day of March, A. D. 1901.

CHAPTER 436.

AN ACT TO INCORPORATE THE "MONTANE ROAD AND POWER COMPANY."

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That W. B. Troy, J. D. Beale, . . . . . Curtis and W. A. Smith, their associates and successors, be and they are hereby declared a body politic and corporate under the name and style of the "Montane Road and Power Company," and by that name shall sue and be sued, plead and be impleaded, make and use a corporate seal, and alter the same at pleasure, contract and be contracted with, and have and enjoy all the rights and privileges necessary for the purposes of this act.

Corporate name,  
powers and  
rights.

Capital stock.

SEC. 2. That the capital stock of the said company shall be five thousand dollars (\$5,000), and may be increased from time to time by a majority vote of the stockholders, to any additional amount not exceeding one hundred and fifty thousand dollars (\$150,000). That the par value of each share shall be fixed by the stockholders, not to exceed one hundred dollars (\$100).

Par value.

SEC. 3. That the said company shall have a right to take and hold, by gift, purchase or otherwise, all kinds of property, real, personal and mixed, and may receive property of all kinds at a fair valuation, in payment of stock. That all persons may subscribe for capital stock in said company, and pay for the same by installments as fixed by the stockholders, and that the individual property of the stockholders, other than their stock in said company, shall not be liable for the debts of said company and the stockholders shall not be liable in any way for the indebtedness of said company; and no member of said company shall be liable to be sued for any debt contracted by said company unless he or she shall lay himself or herself liable by reason of fraudulent conduct upon his or her part.

May acquire and hold real, personal and mixed property.

Subscriptions to capital stock, how paid.

Stockholders' liability.

SEC. 4. That as soon as a sufficient amount of money has been paid in by the stockholders to enable said company to commence operations, which amount shall not be less than five hundred dollars, the said company may begin the work contemplated in this act.

Company may begin work when sufficient stock paid in.

SEC. 5. That the chief purpose of said corporation shall be to make, grade and operate pleasure drives, boulevards and avenues in the mountains of Western North Carolina, for the entertainment of mountain tourists and pleasure-seekers, and said company shall have the right to make, grade, construct, operate and maintain such drives, boulevards, avenues, electric railroads and dummy railroads to be operated by electric engines and cars, dummy engines and cars, horse cars, horse vehicles, automobiles, locomobiles, and such other modes of carriage for passengers and freight, as may be necessary to promote the objects for which said company is organized and incorporated.

Corporate purposes and objects.

SEC. 6. That for the purposes set forth above and for the accommodation of the public, said company may become common carriers and liable to the public as such and shall have the right to purchase such land as they may need for the rights of ways and for the erection of such buildings as may be necessary in running said business, and if said company and the owners of lands can not agree upon a price by which said land may be purchased, then and in that event the said company or the owner of said land may have the right to have said land condemned and the value thereof assessed in the same way, subject to the same rights and privileges as are allowed and awarded to owners of land and railroad companies under the laws of North Carolina.

May become common carriers.

May condemn lands.

SEC. 7. That said company shall have the right to purchase land and water-powers and construct thereon such machinery, plants, powers, etc., as they may wish by which electricity may be generated for the purpose of making lights, and motive power for useful purposes, and shall have the right to sell, lease and

May purchase lands, water-powers, etc.

use said lights and motive power for any and all useful purposes.

Shall charge reasonable tolls and fares.

SEC. 8. That said company shall have the right to charge such reasonable tolls, fares, tariffs, and freights for the carriage of persons and goods as they may elect.

May construct gates and charge tolls.

SEC. 9. That said company, for the purpose of protecting them in the use of such drives and boulevards as they may construct upon their own property or rights of way, and outside of the public thoroughfares, shall have the right to construct gates across said drives and boulevards, and may charge such persons as wish to travel said roads and drives in their own vehicles and upon their own horses, such reasonable tolls as are charged and allowed to be charged by turnpike companies.

Principal place of business.

SEC. 10. That the principal place of business of said company shall be at Hendersonville, N. C., with the power in said company to establish branch offices at other points in the State.

May erect poles and run wires for transmission of power.

SEC. 11. That said company for the purpose of transferring such power as it may generate from point to point, shall have the right to erect poles, and run wires either in the air or under the ground, as it may elect: *Provided*, they shall pay to the owners of the land over which said lines are run, such damage as said owners may sustain therefrom, said damages, if they can not be agreed upon, to be determined in like manner as is hereinbefore provided for ascertaining damages caused by the construction of the roads mentioned herein.

May purchase lands and lay out towns and villages.

SEC. 12. That said company shall have the right to purchase lands, lay out towns and villages, sell and transfer town lots, in the same way as individuals are now allowed to do.

Shall have certain rights, defined in Section 6, Chapter 239, Public Laws of 1897.

SEC. 13. That said company shall have the rights granted to the Asheville Electric Company in section six, chapter two hundred and thirty-nine of the Public Laws of 1897.

Company officers.

SEC. 14. That the officers of said company shall be a president, vice-president, secretary, treasurer and such subordinate officers as the company may elect or employ and a Board of Directors to be elected by the stockholders, consisting of such number as they may determine, and all of said officers to hold their office for such length of time as said stockholders may determine in their by-laws or otherwise.

Stockholders to have one vote for each share of stock held.

SEC. 15. That every stockholder in the company shall at all meetings or elections be entitled to one vote for every share of stock registered in his name. The stockholders of the said company may enact such by-laws, rules and regulations for the management of the affairs of the company as they may deem proper and expedient, and that said stockholders shall meet at such times and places as may be determined by them in their by-laws or in such rules as they may adopt, and all vacancies occurring in the

May enact by-laws, etc.



offices of said company shall be filled as provided by the stockholders.

SEC. 16. That this act shall be deemed and taken to be a public act, and a copy of any by-laws or regulation of the said company under its corporate seal, purporting to be signed by the president shall be received as *prima facie* evidence for and against the said company in any judicial proceedings. This act deemed a public act.

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

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

In the General Assembly read three times, and ratified this the 7th day of March, A. D. 1901.

#### STATE OF NORTH CAROLINA.

##### OFFICE OF SECRETARY OF STATE.

RALEIGH, July 31, 1901.

I, J. Bryan Grimes, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. BRYAN GRIMES.

*Secretary of State.*



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